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Ontario, Statutes

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Tenth and Eleventh Years of the Reign of
His Majesty King George V,

Being the First Session of the Fifteenth
Legislature of Ontario

1920

BEGUN AND HOLDEN AT TORONTO ON THE NINTH DAY OF MARCH IN THE
YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY.



157/38
9/11/20

HIS HONOUR LIONEL HERBERT CLARKE,
LIEUTENANT-GOVERNOR.

TORONTO

PRINTED AND PUBLISHED BY A. T. WILGRESS
Printer to the King's Most Excellent Majesty
1920

STAINES

PROPOSED FOR THE



Printed by
THE RYERSON PRESS.



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10 and 11 GEORGE V.

CHAPTER 1.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1920, and for the Public Service of the financial year ending the 31st day of October, 1921.

Assented to June 4th, 1920.

MOST GRACIOUS SOVEREIGN:

W HEREAS it appears by message from His Honour Preamble.
Lionel H. Clarke, Esq., Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of October, 1920, and for the financial year ending the 31st day of October, 1921, and for other purposes connected with the public service, May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Twenty-five million, nine hundred and ninety thousand three hundred and seventy-four dollars and thirteen cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the first day of November, 1919, to the thirty-first day of October, 1920, as set forth in Schedule "A" to this Act.

\$25,990,-
374.13
granted
for year
ending 31st
October,
1920.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Seventeen million nine hundred and forty-one thousand five hundred and fifty-seven dollars and fifteen cents towards defraying the several charges and expenses

\$17,941,-
557.15
granted
for fiscal
year 1920-21.

expenses of the public service of this Province, not otherwise provided for, from the first day of October, 1920, to the thirty-first day of October, 1921, as set forth in schedule "B" to this Act.

Accounts
to be laid
before
Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1919-1920 and of all expenditures under schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1920-1921 and of all expenditures under schedule "B" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations
for
1919-1920
unexpended.

4. Any part of the money under schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1920, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Appropriations
for
1920-1921
unexpended,
to lapse.

5. Any part of the money under schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1921, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off.

Accounting
for ex-
penditure.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-
ment of
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and twenty and the purposes for which they are granted:

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:

Department of the Prime Minister and President of the Council	\$6,075 00	
Attorney-General's Department	50,543 64	
Education Department	8,800 00	
Lands, Forests and Mines Department	20,033 00	
Public Works Department	11,885 30	
Department of Public Highways	49,310 21	
Game and Fisheries Department	6,450 00	
Department of Labour	151,904 67	
Treasury Department	12,318 29	
Provincial Secretary's Department	31,050 00	
Department of Agriculture	1,147 01	
Miscellaneous	1,420 00	
		\$350,937 12

LEGISLATION.

To defray expenses of Legislation..... \$28,321 31

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice

\$170,131 10

EDUCATION.

To defray expenses of:		
Public and Separate Schools Education	\$758,394 63	
Normal and Model Schools, Toronto	3,705 00	
Normal and Model Schools, Ottawa	5,302 04	
Normal School, London	1,408 80	
Normal School, Hamilton	1,409 53	
Normal School, Peterborough	706 51	
Normal School, Stratford	1,050 96	
Normal School, North Bay	700 00	
English-French Professional Training Schools	10,070 65	

High

High Schools and Collegiate Institutes	7,493 50	
Departmental Library and Museum	1,000 00	
Public Libraries, Art Schools, Historical, Literary and Scientific Societies	5,350 00	
Technical Education	20,512 00	
Superannuated Teachers	25,000 00	
Provincial and other Univer- sities	1,266,000 00	
The Ontario School for the Deaf, Belleville	13,740 00	
The Ontario School for the Blind, Brantford	3,420 00	
Miscellaneous	76,698 04	
		<hr/> \$2,201,961 66

PUBLIC INSTITUTIONS.

To defray expenses of:

Ontario Hospital, Brockville..	49,600 00	
Ontario Hospital, Cobourg ...	105,200 00	
Ontario Hospital, Hamilton ..	54,750 00	
Ontario Hospital, Kingston ..	54,200 00	
Ontario Hospital, London	101,450 00	
Ontario Hospital, Mimico	55,000 00	
Ontario Hospital, Orillia	40,300 00	
Ontario Hospital, Penetang- uishene	34,750 00	
Ontario Hospital, Toronto	1,500 00	
Ontario Hospital, Whitby	310,200 00	
Ontario Hospital, Woodstock .	14,700 00	
Ontario Reformatory Indus- tries	30,000 00	
Andrew Mercer Reformatory, Toronto	3,000 00	
Industrial Farm, Burwash ...	12,000 00	
Industrial Farm, Fort William	27,270 00	
Miscellaneous	25,496 82	
		<hr/> \$919,416 82

AGRICULTURE.

To defray expenses of a grant in aid of Agri- culture	\$281,016 71
--	--------------

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	\$26,271 53
--	-------------

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$133,950 00
---	--------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

To defray expenses of:

Government House	\$10,009 27	
Parliament and Departmental Buildings	32,930 50	
Osgoode Hall	4,700 00	
Miscellaneous	15,149 53	
		\$62,789 30

PUBLIC BUILDINGS.

To defray expenses of:

Osgoode Hall	\$8,841 53
------------------------	------------

Public Institutions:

Ontario Hospital, Brockville . .	24,770 00
Ontario Hospital, Hamilton . . .	14,431 67
Ontario Hospital, Kingston . . .	63,000 00
Ontario Hospital, London	55,402 84
Ontario Hospital, Mimico	25,215 85
Ontario Hospital, Orillia	55,559 56
Ontario Hospital, Penetanguishene	13,500 00
Ontario Hospital, Whitby	159,656 84
Ontario Hospital, Woodstock . .	4,500 00
Industrial Farm, Burwash	103,327 44

Educational:

Normal and Model Schools, Toronto	10,673 18
Normal and Model Schools, Ottawa	56,382 84
Normal School, London	3,550 39
Normal School, Hamilton	2,200 00
Normal School, Peterborough . .	2,500 00

Normal

Normal School, Stratford	1,400 00
Normal School, North Bay . . .	750 00
Training Schools	21,400 00
The Ontario School for the Deaf, Belleville	81,239 23
The Ontario School for the Blind, Brantford	3,800 00

Agriculture:

Ontario Agricultural College . .	108,000 00
Ontario Veterinary College . . .	516 20
Horticultural Experimental Station, Jordan Harbor	6,054 85

Districts:

Algoma	102,450 00
Kenora	1,400 45
Manitoulin	200 00
Muskoka	1,262 93
Nipissing	944 90
Parry Sound	2,200 00
Rainy River	1,216 05
Sudbury	27,395 50
Temiskaming	1,535 00
Thunder Bay	26,200 00
Miscellaneous	1,305 00

Total Public Buildings \$992,782 25

PUBLIC WORKS.

To defray expenses of Public Works \$344,193 89

DEPARTMENT OF LABOUR.

To defray expenses of Department of Labour \$300,406 20

COLONIZATION ROADS.

To defray expenses of Construction and
Repairs \$440,967 75

DEPARTMENT OF PUBLIC HIGHWAYS.

To defray expenses of Department of Public
Highways \$330,789 98

GAME AND FISHERIES.

To defray expenses of Game and Fisheries . . \$158,686 65

ATTORNEY

ATTORNEY-GENERAL'S DEPARTMENT—MISCELLANEOUS.

To defray expenses of Attorney-General's
Department, Miscellaneous \$46,632 27

TREASURY DEPARTMENT—MISCELLANEOUS.

To defray expenses of Treasury Department
Miscellaneous \$326,514 84

PROVINCIAL SECRETARY'S DEPARTMENT—MISCELLANEOUS.

To defray expenses of Provincial Secretary's
Department, Miscellaneous \$149,289 03

LANDS, FORESTS AND MINES.

To defray expenses on account of Crown
Lands \$236,180 90

REFUNDS.

To defray expenses on Account of Refunds... \$60,775 06

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditures... .. \$113,586 93

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

To defray expenses on account of the Hydro-
Electric Power Commission of Ontario.. \$17,257,000 00

THE TEMISKAMING AND NORTHERN ONTARIO RAILWAY
COMMISSION.

To defray expenses on account of the Temis-
kaming and Northern Ontario Railway
Commission \$1,057,772 83

Total Estimates for Expenditure of 1919-
1920 \$25,990,374 13

SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and twenty-one and the purposes for which they are granted:

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:

Lieutenant-Governor's Office . .	\$5,450 00
Department of the Prime Minister and President of the Council	30,000 00
Attorney-General's Department	136,650 00
Education Department	60,450 00
Lands and Forests Department	213,395 00
Mines Department	117,272 00
Public Works Department	64,850 00
Department of Labour	293,485 00
Department of Public Highways	149,650 00
Game and Fisheries Department	55,625 00
Treasury Department	111,825 00
Audit Office	38,700 00
Provincial Secretary's Department	267,200 00
Department of Agriculture	120,000 00
Miscellaneous	26,150 00
	<hr/> \$1,690,702 00

LEGISLATION.

To defray the expenses of Legislation \$331,250 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice \$840,625 00

EDUCATION.

To defray expenses of:

Public and Separate School Education	\$2,729,405 00
Normal and Model Schools, Toronto	107,067 00
Normal and Model Schools, Ottawa	77,080 00
Normal School, London	37,780 00

Normal

Normal School, Hamilton	32,900 00
Normal School, Peterborough . .	34,100 00
Normal School, Stratford	34,650 00
Normal School, North Bay	52,480 00
English-French Professional Training Schools	48,090 00
High Schools and Collegiate In- stitutes	171,900 00
Departmental Library and Museum	24,250 00
Public Libraries, Art Schools, Historical, Literary and Sci- entific Societies	101,100 00
Technical Education	404,700 00
Superannuated Public and High School Teachers	70,150 00
Provincial and other Universi- ties	165,950 00
The Ontario School for the Deaf, Belleville	118,990 00
The Ontario School for the Blind, Brantford	86,050 00
Miscellaneous	106,700 00
	<hr/> \$4,403,342 00

PUBLIC INSTITUTIONS.

To defray expenses of:

Ontario Hospital, Brockville ..	\$284,482 00
Ontario Hospital, Cobourg ..	105,200 00
Ontario Hospital, Hamilton ..	344,310 00
Ontario Hospital, Kingston ..	247,760 00
Ontario Hospital, London ..	363,290 00
Ontario Hospital, Mimico ..	225,225 00
Ontario Hospital, Orillia ..	243,602 00
Ontario Hospital, Penetan- guishene	127,065 00
Ontario Hospital, Toronto ..	241,417 00
Ontario Hospital, Whitby ..	310,600 00
Ontario Hospital, Woodstock ..	85,186 00
Ontario Reformatory	2,000 00
Ontario Reformatory, Indus- tries	81,000 00
Mercer Reformatory, Toronto ..	65,300 00
Mercer Reformatory, Indus- tries	10,000 00
Industrial Farm, Burwash ..	178,530 00
Industrial Farm, Fort Wil- liam	27,270 00
Miscellaneous	82,175 00
	<hr/> \$3,024,412 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture \$1,297,676 00

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration \$165,000 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities \$993,300 00

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

To defray expenses of:

Government House	\$26,000 00
Parliament and Departmental Buildings	255,218 35
Osgoode Hall	43,125 00
Miscellaneous	36,800 00
	<hr/>
	\$361,143 35

PUBLIC BUILDINGS.

To defray expenses of:

Parliament and Departmental Buildings	\$200,000 00
Osgoode Hall	7,000 00
Public Institutions	229,000 00
Educational	45,250 00
Agriculture	4,600 00
Districts	156,750 00
Miscellaneous	175,000 00
	<hr/>
	\$817,600 00

PUBLIC WORKS.

To defray expenses of Public Works \$155,900 00

DEPARTMENT OF LABOUR.

To defray expenses of Department of Labour \$770,241 80

COLONIZATION ROADS.

To defray expenses of Construction and Repairs \$107,300 00

DEPARTMENT

DEPARTMENT OF PUBLIC HIGHWAYS.

To defray expenses of Department of Public Highways	\$139,970 00
---	--------------

GAME AND FISHERIES.

To defray expenses of Game and Fisheries..	\$431,900 00
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ATTORNEY-GENERAL'S DEPARTMENT, MISCELLANEOUS.

To defray expenses of Attorney-General's Department, Miscellaneous	\$64,500 00
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TREASURY DEPARTMENT, MISCELLANEOUS.

To defray expenses of Treasury Department, Miscellaneous	\$352,895 00
--	--------------

PROVINCIAL SECRETARY'S DEPARTMENT, MISCELLANEOUS.

To defray expenses of Provincial Secretary's Department, Miscellaneous	\$365,250 00
--	--------------

LANDS AND FORESTS

To defray expenses on account of Crown Lands	\$1,189,450 00
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DEPARTMENT OF MINES.

To defray expenses of Department of Mines..	\$182,200 00
---	--------------

REFUNDS.

To defray expenses of:

Education	\$6,500 00
Lands and Forests	25,000 00
Mines	2,500 00
Succession Duty	88,000 00
Miscellaneous	37,000 00
	<hr/>
	\$159,000 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	\$97,900 00
---	-------------

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

To defray expenses on account of the Hydro-
Electric Power Commission of Ontario...\$7,590,000 00

THE TEMISKAMING AND NORTHERN ONTARIO RAILWAY
COMMISSION.

To defray expenses on account of the Temis-
kaming and Northern Ontario Railway
Commission \$450,000 00

Total Estimates for Expenditure of 1919-
1920\$25,981,057 15

CHAPTER 2.

An Act respecting Elections and the Preparation of
Provincial Voters' Lists.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

PRELIMINARY.

1. This Act may be cited as *The Election Laws Amend-* Short title.
ment Act, 1920.

2. In this Act,—

Interpre-
tation.

- (a) "Board" shall mean Election Board, as consti- "Board."
tuted under this Act for a county or provisional
judicial district;
- (b) "Judge" shall mean judge of the county or dis- "Judge."
trict court of a county or district and shall
include a junior judge or acting judge of such
court;
- (c) "Prescribed" shall mean prescribed by this Act "Pre-
scribed."
or by the regulations made under this Act;
- (d) "Regulations" shall mean regulations made under "Regula-
tions."
the authority of this Act.

3. *The Ontario Voters' Lists Act, The Ontario Election* Rev. Stat.,
Act and amendments thereto, including The Ontario Elec- cc. 6 and 8,
tion Act, 1918, and The Ontario Election Act, 1919, shall 8 Geo. V,
c. 3, 9 Geo.
V, c. 7,
be read as amended to give effect to the provisions of this superseded.

Act,

Act, and the provisions of *The Ontario Election Act, 1918*, and *The Ontario Election Act, 1919*, so far as the same relate to the qualification of voters at elections to the Assembly, and the preparation of the voters' lists for use at such elections shall be deemed to be superseded by the provisions of this Act.

Application
of Act.

Proviso.

4. This Act shall apply to all elections to the Assembly hereafter held, including an election held to fill a vacancy in the Assembly, but in case a general election or an election to fill a vacancy in the Assembly is to be held before the lists have been prepared under the provisions of Part II of this Act, the lists used at the last election to the Assembly shall be revised by the revising officer in the manner provided by Part II, with respect to the lists prepared under that part, and shall constitute the proper lists to be used at such election in any municipality in which lists have not been prepared by the assessors under Part II.

Application
of Part II.

5.—(1) Part II of this Act shall apply to every city, town, village and township.

Application
of Part III.

(2) Part III of this Act shall apply to territory without municipal organization.

PART I.

AMENDMENTS TO THE ELECTION LAW.

Qualification of Voters.

Who may
vote.

6. Subject to the provisions hereinafter contained, in an electoral district in which an election to the Assembly is held, the following persons being entered on the proper polling list and no others shall be entitled to vote at such election:

Generally.

1. Every man and every woman who, at the time of voting:

(a) Is of the full age of twenty-one years;

(b) Is a British subject;

(c) Is not disqualified under *The Ontario Election Act* or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting;

(d)

(d) Is and has been for a period of twelve months next preceding the day of polling a resident of and domiciled in Canada;

(e) Is and has been for a period of three months next preceding such day a resident of and domiciled in the electoral district,

or in the case of a city divided into two or more electoral districts, or a city parts of which are situate in two or more electoral districts,

(f) Is and has been for a period of one month next preceding such day a resident of and domiciled in the electoral district and is and has been for a period of three months next preceding such day a resident of and domiciled in such city.

2. Every man and every woman who, at the time of ^{Soldiers'} tendering a vote,— ^{franchise.}

(a) Is a British subject;

(b) Is not qualified to vote under paragraph 1;

(c) Is of the full age of twenty-one years;

(d) Is not disqualified under *The Ontario Election Act* or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting;

whether he or she is or is not an Indian, enfranchised or unenfranchised or of whole or part Indian blood, and who,—

(e) Served in any country in the naval or military forces of Great Britain or Canada or of any other British possession, or in the naval or military forces of any of the allies of Great Britain in the late war with Germany; and

(f) Is an inmate or patient or employed and resident in any military hospital or institution for the reception, treatment or training of persons who have so served, or in any hospital or institution for the blind or deaf or eleemosynary institution situated in the electoral district,

and

and there shall be entered on every list prepared under this Act, opposite the name of any person so qualified, the letters "S.F." (Soldiers' Franchise).

Territory
without
municipal
organization.

3. In territory without municipal organization every man and every woman who, at the time of tendering a vote,—

- (a) Is of the full age of twenty-one years;
- (b) Is a British subject;
- (c) Is not disqualified under *The Ontario Election Act* or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting;
- (d) Is and has been for a period of twelve months next preceding the day of polling, a resident of and domiciled in Ontario;
- (e) Is at the time of voting a resident of and domiciled in the electoral district.

Change of Residence Within Three Months of Polling.

Removal
from one
electoral
district to
another.

7.—(1) Notwithstanding anything hereinbefore contained a person who was a resident in, and is entered on the list prepared for any polling subdivision or polling place in an electoral district, or who would have been entitled to be so entered had he remained a resident in such electoral district, and who has removed from such electoral district in the course of his ordinary profession, occupation or calling, and has become a resident of and is domiciled in another electoral district and any person ordinarily resident with such first mentioned person as a member of his family or household who has so removed with such first mentioned person, shall be entitled to be entered on the list of voters in such last-mentioned electoral district by the revising officer, or by the judge as the case may be, upon filing with the revising officer, or judge an affidavit (form 1) and producing such other evidence that he was so entered or entitled to be so entered and that such removal was solely for the purpose of carrying on such profession, occupation or calling, as the revising officer, or judge may deem necessary.

Certificate.

(2) The revising officer, or judge shall give to every person entered upon the list under subsection 1, a certificate in writing (form 2).

(3)

(3) After the name of every person entered on the list under subsection 1, the revising officer, or judge shall write "entered under _____," inserting the chapter and section of this Act as the same appears in the annual volume of statutes.

Entry after name of person so added to list.

(4) A person whose name is entered on the list under this section shall not be entitled to vote unless at the time of tendering his vote he produces to the deputy returning officer the certificate mentioned in subsection 2.

Production of certificate at poll.

Occasional or Temporary Absence.

8. A person may be resident in a municipality within the meaning of this Act, notwithstanding occasional or temporary absence, or absence as,—

Occasional or temporary absence when not to disqualify.

- (a) A member of a permanent militia corps enlisted for continuous service, or a member of the active militia;
- (b) Serving in the naval or military forces of Canada or Great Britain or of an ally of Great Britain against the King's enemies, or as a nurse or nursing sister, or in any other capacity with such forces;
- (c) A student in attendance at an institution of learning in the Dominion of Canada,

and such absence shall not disentitle him to be entered on any voters' list or to vote.

9.—(1) A man who was not on the 12th day of April, 1917, a British subject, shall not be entitled to be entered on the list and to vote at an election unless he has since become naturalized under section 2 of *The Naturalization Act, 1914*, or under *The Naturalization Act, 1918*.

Naturalization of men.

(2) A woman shall be deemed to be a British subject by birth or naturalization within the meaning of this Act, so as to entitle her to vote,—

When women to be deemed British subjects.

- (a) If she was born a British subject and is unmarried or married to a British subject, and has not become a subject of any foreign power or a citizen of any foreign state; or
- (b) If she was naturalized in her own right prior to the 12th day of April, 1917, as a British subject, or if she has since become naturalized under section 2 of *The Naturalization Act, 1914*, or

The

The Naturalization Act, 1918, and has not become a subject of any foreign power or a citizen of any foreign state;

- (c) If she has become a British subject by marriage or by the naturalization as a British subject of her parent while she was a minor, and in either case has done nothing to forfeit or lose her status as a British subject, and has obtained a certificate (form 3) under the signature of a judge of the Supreme Court or of a county or district court, and the seal of the court, or in territory without municipal organization under the signature of the judge of the district court or an inspector of public or separate schools or a police magistrate, or any person appointed by the board for that purpose, certifying that she has personally appeared and has satisfied him that she is of the full age of twenty-one years, has resided in Canada a sufficient length of time and possesses all such requirements as would be necessary to entitle her, if unmarried, to become naturalized as a British subject, and that she has taken the oath of allegiance to His Majesty,

and no woman shall be entitled to be entered on the list of voters or to vote unless so qualified.

Exceptions
as to
soldiers'
franchise.

(3) Subsections 1 and 2 shall not apply to any person qualified to vote under paragraph 2 of section 6.

Indians.

Indians—
when dis-
qualified.

10.—(1) A person who is an unenfranchised Indian of whole or part Indian blood and residing or having his domicile among Indians, or on an Indian reserve, shall not be entitled to have his name entered on the list of voters or to vote unless such person has served in any country in the naval or military forces of Great Britain or Canada, or of any other British Dominion or possession, or in the naval or military forces of any of the allies of Great Britain in the late war with Germany and her allies.

Special oath.

(2) A person alleged by a candidate or by the representative of a candidate to be an Indian or a person of whole or part Indian blood and disqualified from voting under subsection 1, if required by the candidate or his agent or by the deputy returning officer, shall take one of the following oaths in addition to the oath required to be taken by a voter:

You

You swear (*or solemnly affirm*) that you are not an Indian or a person having part Indian blood;

or at his option

You swear (*or solemnly affirm*) that you are an enfranchised Indian;

or at his option

You swear (*or solemnly affirm*) that you do not reside nor is your domicile among Indians or on an Indian reserve;

or at his option

You swear (*or solemnly affirm*) that you served against the King's enemies in the late war with Germany and her allies.

(3) The territory included in an Indian reserve shall be deemed territory without municipal organization, and the lists shall be prepared for such reserve in the manner provided by Part III. Preparation of lists on Reserves.

Polling Places at Soldiers' Hospitals.

11.—(1) Wherever in any electoral district there is situate a home or hospital or other institution for the reception, treatment or training of soldiers or sailors, a polling place shall be provided in such institution or upon the premises, and for the purpose of polling the institution shall be deemed to be a polling place and every inmate or other person resident in such institution, who is entered on the polling list, shall vote at such polling place. Polling places on premises of hospitals, etc.

(2) Where a patient or other inmate of such institution is bed-ridden or is unable to walk, it shall be lawful for the deputy returning officer, poll clerk, and the candidates or their agents to attend upon such person for the purpose of receiving his ballot, but a candidate shall not be present where the ballot of any such voter is marked under section 100 of *The Ontario Election Act*. Incapacitated patients or inmates.

Stamping Ballots.

12. Notwithstanding anything in *The Ontario Election Act* contained, it shall not be necessary for the returning officer Stamping ballots unnecessary.

Rev. Stat.,
c. 19, s. 71,
subs. 2, 3
and 4
repealed.

officer to stamp the ballot papers for use at an election, and subsections 2, 3 and 4 of section 71 of *The Ontario Election Act* are repealed.

Polling Places.

Municipal
corporation
to provide
polling
places.

13.—(1) The corporation of every municipality shall provide a proper polling place or polling places in every polling subdivision for use at an election to the Assembly, and shall furnish the same with light and heat and such other accommodation and furniture as may be required.

What
buildings
may be
provided.

(2) The polling places may be situate in any school house, hall or other public building or on private property or the municipality may purchase or construct tents or portable booths or other moveable structures, and without charge may set up and erect the same in any street, lane or vacant lot.

Expenses.

(3) The expenses of providing suitable polling places and of lighting, heating, equipping and furnishing the same shall be payable by the treasurer of the municipality to the persons entitled thereto.

Requisition
of returning
officer.

(4) The places so to be provided by the municipal corporation shall be provided by the council upon the request of the returning officer in writing signed by him, and shall in all cases be subject to the approval of the board.

Where cor-
poration
does not
provide
accommoda-
tion.

(5) Where the council of the municipality refuses or neglects to provide polling places, or the board deems any place so provided unsuitable, the returning officer may select such places as he may deem proper, for that purpose and shall have, and may exercise all the powers of the municipal corporation, and the expenses incurred by him shall be payable by the treasurer of the municipality to the persons entitled thereto upon the written order of the returning officer, countersigned by the chairman of the board.

Fee for
polling
place.

(6) The sum of \$6 for every polling place provided by the municipality and used at the elections shall be payable to the corporation of the municipality by the returning officer.

Rev. Stat.,
c. 8, s. 54,
subs. 4;
9 Geo. V.,
c. 7, s. 5,
repealed.

(7) Subsection 4 of section 54 of *The Ontario Election Act*, and subsections 10 and 11 of the said section as enacted by section 5 of *The Ontario Election Act, 1919*, are repealed.

Nomination

Nomination and Polling Day.

14. At every general election and at every election to fill a vacancy in the Assembly, polling shall take place on the eleventh day after the day fixed for holding the nomination. Interval between nomination and polling.

15. Notwithstanding anything in *The Ontario Election Act* contained the date for holding the nomination at any election shall be not more than sixty, nor less than thirty days after the date of the writ. Date for holding nomination.

Hours of Polling.

16.—(1) Subject to the provisions of subsection 2 the polls at every election to the Assembly shall open at eight o'clock in the forenoon and shall be kept open until six o'clock in the afternoon of the said day and the voting shall be by ballot in the manner provided by *The Ontario Election Act* and the amendments thereto. Hours of polling generally.

(2) Where the board deems it desirable for the convenience of workmen or of persons residing at a distance from the place at which their ordinary calling or business is carried on that the polls should be opened in any municipality or electoral district at an earlier hour than eight o'clock in the forenoon the board may direct that the polls shall be opened in such municipality or electoral district at any time earlier than eight o'clock, but not earlier than six o'clock, in the forenoon as the board may deem expedient. When polls may be opened at earlier hour.

(3) Section 90 of *The Ontario Election Act* and the amendments thereto are repealed. Rev. Stat., c. 8, s. 90, repealed.

(4) Section 112 of *The Ontario Election Act* is amended by adding after the word "thereafter" in the fifth line the words "or from the hour of four o'clock in the afternoon until the hour of six o'clock next thereafter." Rev. Stat., c. 8, s. 112, amended.

17. Special polls may be provided at any election to the Assembly for sailors or other persons employed upon steamboats or sailing vessels and who have reason to believe that they will be absent from their ordinary place of residence in the course of their employment upon the day fixed for the holding of the poll, and section 14 of *The Ontario Election Act, 1919*, shall apply *mutatis mutandis* with respect to the holding of special polls under this section, but the same polls may be used for railway employees and for persons entitled to vote at a special poll under this section. Special polls for sailors.

Returning

Returning Officers.

Appointment
of returning
officers.

18. The provisions of sections 28 to 34 of *The Ontario Election Act*, respecting the appointment of returning officers, the issue of the writ of election, and the filling of any vacancy in the office, and as to the persons disqualified, exempt from service or refusing to act and section 57 of *The Ontario Election Act, 1918*, so far as the same applies to the fees and expenses payable by the Province shall apply to all fees and expenses payable under *The Ontario Election Act* and the amendments thereto and under this Act or the regulations.

Election Board.

Board for
every
county and
district.

19.—(1) There shall be in every county and in every provisional judicial district a board to be known as the election board.

Disqualifi-
cation for
election.

(2) No person who is a member of the board or has been engaged as a revising officer, in the preparation of the voters' lists to be used at the election shall be eligible as a candidate at such election.

How com-
posed.

20.—(1) The board shall consist of the officers herein-after mentioned, namely:

In York
County.

(a) In the County of York the board shall be composed of nine members as follows: the four judges of the county court, the Master in Ordinary, the Master in Chambers, the Master of Titles, the Police Magistrate of the City of Toronto and the Inspector of Legal Offices;

In every
other
county and
district.

(b) In every other county and in every provisional judicial district the board shall be composed of five members as follows: the judge or judges of the county or district court, the local registrar of the Supreme Court, the sheriff of the county or district, the clerk of the peace, and if there is but one judge of the county or district court the local master of the Supreme Court or where the local master is also the judge of the county or district, and where there are more registry divisions than one in the county or district such one of the registrars of deeds as may be designated by the remaining members of the board.

(2) Where there is no local registrar of the Supreme Court, the deputy registrar of the Supreme Court or the deputy clerk of the Crown, according to seniority of appointment, shall be a member of the board. When Deputy Registrar or Clerk of the Crown to act.

(3) The judge of the county or district court of the county or district, or in his absence or in case of his inability to act, or in case of a vacancy in his office, the junior judge or acting judge of the county or district court shall be chairman of the board. Chairman.

(4) In case the judge or junior or acting judge is unable to act and on account of illness or absence there is no other person who may act in his place, he may appoint in writing some other member of the board as chairman *pro tempore*, or if he is unable or neglects to do so, the remaining members of the board may elect a chairman from among their own number. Vacancy in chairman-ship.

(5) The board shall appoint one of their own number or some other person to act as clerk of the board. Clerk of Board.

(6) Every member of the board and the clerk before acting shall take the prescribed oath before a commissioner for taking affidavits or a justice of the peace. Oath of office.

(7) Three members of the board shall form a quorum. Quorum.

(8) Where a vacancy occurs in the membership of the board and there is no official to fill the vacancy the board may elect some fit and proper person to fill the same. Vacancies in board.

(9) Subject to the regulations, where an electoral district includes parts of two or more counties or districts, such electoral district shall, for the purposes of this Act, be deemed to form part of the county or district in which the greater part of such electoral district is situate. Electoral district containing territory in more than one county or district.

Clerk of the Crown in Chancery.

21. The Lieutenant-Governor in Council shall appoint a Clerk of the Crown in Chancery and in case of a vacancy in the office or of the absence or inability to act of the person so appointed, the Clerk of the Assembly shall be *ex officio* the Clerk of the Crown in Chancery, and the person so appointed, or the Clerk, shall discharge all the duties which by any statute, law or usage ought to be or have heretofore been discharged or performed by the Clerk of the Crown in Chancery. Appointment of Clerk of Crown in Chancery.

Chief

Chief Election Officer.

Appointment
of chief
election
officer.

22.—(1) The Lieutenant-Governor in Council shall appoint some person being a barrister of at least ten years standing at the Bar of Ontario, and a permanent officer of the Assembly or otherwise employed in the public service, to be chief election officer.

Duties.

(2) It shall be the duty of the chief election officer to consult with and advise the boards throughout the Province and to supervise and instruct the returning officers, deputy returning officers and poll clerks in the performance of their duties, and where necessary to personally visit and consult with the chairman of the board or the returning officer with a view to facilitating the preparation of the lists and the carrying out of the provisions of *The Ontario Election Act* and the amendments thereto, and of this Act and the preparation of the lists of voters in territory without municipal organization.

Clerical
assistance.

23. The Clerk of the Crown in Chancery and the chief election officer may provide for such clerical and other assistance as may be necessary in the performance of their duties, and the Lieutenant-Governor in Council may authorize the issue of accountable warrants from time to time for payment of travelling and other expenses and for remuneration of said officers and of persons employed in the office of the Clerk of the Crown in Chancery and the chief election officer.

Forms of Oaths.

Voters'
oaths.

24. The forms of oaths set out in the schedule to this Act as forms 4, 5, 6, 7 and 8 shall be the forms of oaths to be administered to voters at every election held after the passing of this Act and the said forms are substituted for the forms of oath to be administered to voters set out in the schedule to *The Ontario Election Act, 1919*.

Fees and Expenses.

Fees and
expenses to
be fixed by
the Lieuten-
ant-Governor
in Council.

25. The schedule of fees and charges set out in schedule "B" to the Ontario Election Act is repealed and the fees and charges to be allowed under *The Ontario Election Act* and under this Act shall be fixed by the Lieutenant-Governor in Council from time to time.

PART II.

PREPARATION OF LISTS IN CITIES, TOWNS, VILLAGES AND TOWNSHIPS.

Entry on the Assessment Roll.

26.—(1) In addition to the particulars required by *The Assessment Act*, to be entered upon the assessment roll, every assessor shall enter upon the roll the name of every person who is of the full age of twenty-one years, a British subject, and who has been a resident of Ontario for a period of nine months prior to the date fixed for the assessor to begin to make up his roll, and who is a resident of the municipality and qualified in other respects as the assessor believes, to vote at elections to the Assembly.

Assessor to
enter names
on roll.

(2) After the name of every person so entered, the assessor shall enter the person's place of residence, occupation and condition (as "married" or "married woman," "widower," "widow," "bachelor" or "spinster," as the case may be) or initials denoting such condition and the letters "L.F." (Legislative Franchise).

Particulars
to be
entered
on list.

(3) It shall be the duty of the assessor to make diligent inquiries when preparing the assessment roll in order to ascertain the persons who are entitled to be entered on the roll under this section.

Duty of
assessor.

Preparation of Voters' Lists by the Clerk.

27.—(1) Instead of entering upon the voters' list only the names of those persons entitled to vote at municipal elections, the clerk of the municipality shall make up the voters' lists in every city, town, village and township in the manner provided with respect to municipalities to which *The Manhood Suffrage Registration Act* did not apply by *The Ontario Voters' Lists Act* as the said Act stood prior to the enactment of *The Act to amend The Ontario Voters' Lists Act*, passed in the seventh year of His Majesty's reign, chaptered 4, and *The Ontario Franchise Act*, passed in the same year, that is to say the voters' lists shall be prepared in three parts,—Part I showing the names of persons entitled to vote at municipal elections and at elections to the Assembly; Part II showing the names of persons entitled to vote at municipal elections only; and Part III showing the names of persons entitled to vote at elections to the Assembly only.

Preparation
of voters'
lists by
clerk.

(2) In cities to which Part II of *The Ontario Voters' Lists Act* applies the lists may be made up without waiting

Making up
lists before
final revision
of as-
sessment
for
roll.

for the revision and correction of the roll by the court of revision or by the judge by wards or subdivisions as provided in the said Part II, but every such list shall be made up in three parts as provided in subsection 1.

Particulars. (3) The list as to persons entitled to vote at elections to the Assembly shall contain the particulars provided for in subsection 2 of section 26, except that it shall not be necessary to add the initials "L.F." (Legislative Franchise) after the name of the voter.

Lists to be revised as provided by Rev. Stat., c. 6.

28. The list so prepared shall be subject to revision by the judge of the county court and shall be dealt with in all respects in the manner provided by *The Ontario Voters' Lists Act*, and the last list prepared for any municipality and finally revised by the judge shall be the proper list to be used at any election to the Assembly held before another list has been prepared and revised as herein provided, but whenever an election to the Assembly is to be held the lists shall be subject to further revision as hereinafter provided as to persons entitled or claiming to be entitled to be entered thereon as qualified to vote at elections to the Assembly and as to persons entered thereon who are not qualified to vote at elections to the Assembly.

Board to fix time and place of hearing appeals.

29. As soon as conveniently may be after the issue of a writ for the holding of an election to fill a vacancy in the Assembly, or after the dissolution or expiry of the Assembly, the board shall fix the times and places in every municipality to which this Part applies at which a sittings shall be held by the revising officer for the purpose of hearing complaints as to the lists prepared under this part.

Appointment of revising officer.

30.—(1) The board shall appoint from among their number revising officers to hold sittings in each municipality or part of a municipality included in the electoral district in which an election is to be held for the revision of the lists for the purposes of the election.

County judge to act if practicable.

(2) Wherever practicable, the revising officer so appointed shall be the judge or one of the judges of the county or district court or the acting judge of the said court, but where the county or district forms part of a district formed under section 20 of *The County Judges Act*, as enacted in section 4 of *The County Judges Act, 1919*, a judge of any county or district included therein may be appointed revising officer in any municipality in the county court district.

31. Where, owing to the number of sittings to be held, ^{Where judge not available.} or from any other cause, the board finds it impracticable for a judge to act as revising officer, the board may appoint one of their number, being a barrister of at least five years' standing, or some other fit and proper person having the like qualification to act as revising officer.

32. The board shall cause notice in the prescribed form ^{Notice of sittings of revising officer.} to be given by publication in at least two newspapers having a general circulation in the county or district, and by posting up such notice in the office of the clerk of the municipality and in at least two conspicuous places in the municipality or portion of the municipality for which the sittings is to be held, stating the name of the revising officer appointed for each municipality, and the name and place of residence or office of the clerk of the revising officer, and the time and place at which the sittings will be held in each municipality and the last day upon which notice of complaint may be given under this Part, and calling upon all persons to examine the voters' list in order to ascertain that their names are correctly entered therein.

33. The clerk of the municipality shall act as clerk to ^{Clerk of municipality to be clerk to revising officer.} the revising officer, but the board may appoint a clerk to any revising officer where the clerk of the municipality is unable to act.

34. The last day for making complaint to the revising officer shall be not less than two clear days and not more than five clear days before the day fixed for holding the sittings, as the board may direct. ^{Last day for making complaint.}

35. Every person who, if he remains a resident in the municipality until the day fixed for holding the poll, and is otherwise qualified as provided by this Act, will be entitled to vote at the election, and whose name does not appear upon the last revised voters' list, shall be entitled to apply by notice of complaint in the prescribed form to the revising officer to have his name entered upon the list. ^{Right to apply.}

36.—(1) Any person whose name is entered upon the list, or who is entitled to be so entered, shall be entitled to give ^{Who may give notice of complaint.} notice of complaint as to any person whose name has not been entered on the list and who, if he remains a resident of the municipality or electoral district, will be qualified in other respects to vote at the election, or as to any person whose name has been entered on the list and who is not qualified or who has ceased to be qualified or is disqualified under *The Ontario Election Act* or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting.

Notice of
complaint
to be in
duplicate.

(2) The notice of complaint shall be in duplicate and instead of making up a list of complaints as provided by *The Ontario Voters' Lists Act*, the clerk of the revising officer shall keep one copy of every notice of complaint posted up in his office and shall deliver the other copy to the revising officer.

Delivery
of last
list by
clerk.

37.—(1) The clerk of the peace shall deliver to the clerk of the municipality three copies of the list for the municipality as last revised by the judge in the manner provided by *The Ontario Voters' Lists Act*, and the said lists shall be subject to revision upon complaint as hereinbefore provided.

Where
election held
before lists
prepared.

(2) In case an election shall be held before lists have been prepared as hereinbefore provided, the clerk of the peace shall deliver to the clerk of the municipality three copies of the list as finally revised and used in the preparation of the polling list at the last previous election held in the electoral district of which the municipality forms a part, and in that case such last-mentioned list shall be the list to be revised by the revising officer, and when revised by him shall be the proper list to be used at the election.

Procedure
at sittings.

38. The sittings of the revising officer shall be held in the same manner and shall be subject to the same provisions as nearly as may be as the sittings of the judge for the hearing of appeals or complaints under *The Ontario Voters' Lists Act*, and such provisions shall *mutatis mutandis* apply to the sittings of the revising officer.

Entering
name with-
out com-
plaint in
certain
cases.

39.—(1) Where a person by whom or on whose behalf notice of complaint has not been given applies to the revising officer to have his name entered upon the list, and no objection to the want of notice is taken, the revising officer upon being satisfied on oath of such person or of someone having personal knowledge of the facts, that he is qualified to be so entered, shall enter the name of such person upon the list.

Names not
to be struck
off without
notice.

(2) The name of any person shall not be removed from the list by the revising officer unless the revising officer is satisfied on oath that due notice of complaint has been given to such person or that such person is dead or has removed from the municipality.

Evidence
required.

(3) The revising officer shall not remove any name from or add any name to the list or make any other changes therein except upon the evidence under oath of some person who has personal knowledge of the facts.

40.—(1) At the close of the sittings, the revising officer shall certify in the prescribed form the lists as revised by him and the list of changes and corrections in the list in triplicate, and one copy shall be delivered by the clerk of the revising officer to the clerk of the peace, and one copy shall be retained by the clerk of the revising officer and the third copy shall be delivered by the revising officer to the clerk of the board.

Certifying
and deliver-
ing lists
at close of
sittings.

(2) The lists as so revised and certified shall be the proper lists to be used at the election.

List as re-
vised to be
proper list
for election.

41.—(1) The Lieutenant-Governor in Council may make regulations—

Regulations.

- (a) Prescribing the forms, notices and other documents to be used for the purposes of this part;
- (b) Respecting the duties of the clerk of the board, the clerk of the peace and the clerks and other officers appointed or acting under this part;
- (c) Respecting the books and other records to be kept of the proceedings of the board and the revising officer;
- (d) Fixing the fees to be payable to the board and the revising officer, clerk of the revising officer and clerk of the peace for services performed, and the witness fees and costs payable under this part, and prescribing the manner in which the same shall be borne and paid;
- (e) Fixing the times within which the lists shall be completed and delivered to the clerk of the peace or the revising officers, and the time within which any duty imposed by this part with reference to the revision of the lists by the revising officer and as to which no other provision is made, shall be performed;
- (f) For giving directions as to any matter in connection with the preparation or revision of lists under this part which is not expressly provided for therein; and
- (g) Generally for the better carrying out of the provisions of this part.

Force of
regulations.

(2) Any regulation made by the Lieutenant-Governor in Council under this part shall have the same force as if it had been enacted herein.

Expenses,
how paid.

42. The fees and expenses payable in connection with the preparation or revision of any list under this Part shall be borne and paid by the corporation of the town, village or township and shall be payable to the persons entitled thereto by the treasurer of the municipality upon presentation of accounts therefor, certified by the chairman of the board.

PART III.

LISTS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

Interpre-
tation.

43. In this Part,—

“ Judge.”

(a) “Judge” shall mean judge of the county or district court of the county or district in which lists are to be prepared, and shall include a junior or acting judge.

When lists
to be pre-
pared.

44. Whenever a vacancy occurs in the Assembly or the Assembly is dissolved or expires, lists shall be prepared in each electoral district comprising territory without municipal organization, including territory in an Indian reserve, of all persons who are entitled to be entered upon the lists and to vote at an election in the electoral district of which such territory forms a part.

Proclama-
tion of pre-
paration of
list.

45. As soon as conveniently may be after a vacancy occurs in the Assembly or the Assembly is dissolved or expires the board shall cause a proclamation in the prescribed form to be posted up at every place at which a poll was held at the last election to the Assembly calling upon all persons qualified to vote at the election to see that their names are duly entered on the list to be prepared under this Part.

Appointment
of chief
enumerator
and assist-
ant enumer-
ators.

46.—(1) The board shall appoint a chief enumerator for the electoral district and the chief enumerator shall appoint one or more assistant enumerators to assist him in the preparation of the voters' lists.

Mode of
appointment.

(2) The appointments shall be by writing in duplicate under the hand of the chairman of the board or the chief enumerator as the case may be and shall designate the area within the electoral district in which each assistant enumerator is to prepare the list.

(3) One of such duplicates shall be furnished to the chief enumerator or the assistant enumerator as the case may be, and the other shall be forthwith filed in the office of the clerk of the board and shall be open to inspection at all reasonable times.

Filing of
appoint-
ments.

(4) A copy of every such appointment, certified by the chairman of the board, or by the chief enumerator as the case may be, shall be forthwith transmitted to the Clerk of the Crown in Chancery, and shall be filed in his office.

Copy for
Clerk of
Crown in
Chancery.

47. The board may dispense with the services of any chief enumerator or assistant enumerator at any time and may appoint some other person to the office and may fill any vacancy caused by death, removal or otherwise, or by the neglect of the chief enumerator to make an appointment, and may enlarge, diminish or alter the limits of the territory in which any assistant enumerator is to act as the board may think fit.

Changes
among ap-
pointees.

48. Every chief enumerator and every assistant enumerator shall, before entering upon his duties, take the oath of office, in the form prescribed by *The Ontario Voters' Lists Act*, before a judge of the county or district court of the county or district or before a justice of the peace or one of the members of the board, and the oath shall forthwith be transmitted to the clerk of the board, and in the case of the chief enumerator shall be forthwith transmitted by the clerk of the board to the Clerk of the Crown in Chancery.

Oath of
office.

49.—(1) The chief enumerator, under the direction of the board, shall forthwith cause to be posted up in a conspicuous manner throughout those parts of the territory for which he is appointed, and in such places as the board may direct, a copy of this part, and one or more printed notices in the prescribed form, and the chief enumerator or assistant enumerator shall attend at the time and place mentioned in the notice.

Notice of
preparation
of lists
and duty of
chief enu-
merator
thereunder.

(2) The chief enumerator shall also forthwith, upon appointment, notify the member representing the electoral district, the defeated candidate in the previous election in such district, and the known candidates before the people for election in such district, of the preparation of the voters' lists by sending to each of them by registered post a copy of this part and one printed notice in the prescribed form.

To whom
notice to
be sent.

Fixing
polling
places.

50.—(1) Notwithstanding anything in *The Ontario Election Act*, or any amendment thereto contained, polls shall be held in territory to which this Part applies at such places as may be fixed by the chief enumerator subject to the approval of the board.

List of
polling place
to be for-
warded with
notice.

(2) A list of such places shall be forwarded with the notice provided for in the last preceding section, to the persons mentioned in subsection 2 thereof, and a list shall be prepared for use at every such polling place.

Who may
be entered
on list.

51. Every person who,—

- (a) Is of the full age of twenty-one years or will be of the full age of twenty-one years before the day fixed for holding the poll at the election;
- (b) Is a British subject;
- (c) Is not disqualified under *The Ontario Election Act* or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting;
- (d) Is a resident of and domiciled in the electoral district;
- (e) Is and has been continuously, from a date twelve months prior to the day fixed for holding the poll at the election, a resident of and domiciled in Ontario,

shall be entitled to be entered on the list prepared under this part.

General
supervision
of enumer-
ation.

52. Subject to the direction of the board the chief enumerator shall have the general supervision and direction of the assistant enumerators, and notwithstanding anything in this part or in *The Ontario Voters' Lists Act* contained, may do and perform any of the duties assigned to an assistant enumerator.

Application
of general
provisions
as to duties
of clerk
and judge.

53.—(1) Save as otherwise provided, the judge and assistant enumerators, so far as the same are applicable to territory without municipal organization, shall respectively perform the duties assigned to the judge and to the clerk of the municipality and the judge by *The Ontario Voters' Lists Act* elsewhere in Ontario, and the forms and notices and other proceedings, shall be the same as nearly as may be, and be taken with the same effect as in the case of lists elsewhere in Ontario save as herein otherwise provided.

(2)

(2) All appeals shall be filed in duplicate with the clerk of the board, and he shall post up one copy of every notice of appeal or complaint in his office and shall deliver the other copy to the judge. Appeals.

54. The list shall be in several parts, one part for each polling place, and the name of each voter shall be entered in that part, the polling place for which is most convenient for him. Subdivision of lists.

55. Every assistant enumerator shall, on completion of the lists, attach thereto an affidavit in the prescribed form, to be made before the judge or a police magistrate, and shall forthwith deliver the list to the clerk of the board who shall post up the same in his office. Affidavit of assistant enumerator.

56. The non-performance by the assistant enumerator of any of his duties under this Act within the times appointed shall not affect the validity of any list nor shall such list be void for any irregularity, if there has been a substantial compliance with the requirements of this part. Where irregularities not to avoid list.

57.—(1) There shall be an appeal to the judge in the same manner as elsewhere in Ontario under *The Ontario Voters' Lists Act*, and the judge shall, without any unnecessary delay, attend and hear the appeals at such places as may be convenient for the parties concerned, and shall give due notice thereof. Appeal to judge.

(2) The board may appoint one or more of its members to act in place of the judge for the purpose of hearing appeals and complaints under this Part where owing to the extent of territory to be dealt with or for any other reason the board deems such appointment necessary or expedient, and every person so appointed in the territory to which he is assigned shall have and may exercise and shall perform all the rights, powers, authority and duties of the judge under this Part. Appointment of additional officers to hear appeals.

(3) A voter may also appeal with respect to the polling place at which his name is entered. Appeal as to polling place.

(4) At least ten days' notice in the prescribed form (inclusive of the first day's publication) of the hearing of such appeals shall be given, by publication in a newspaper published in the county or district, and by posting as required by section 49. Notice of appeal.

Procedure
on appeals.

(5) The proceedings, in respect to such appeals, shall be as nearly as may be the same as upon appeals under Part I of *The Ontario Voters' Lists Act*, save that the time within which notice may be given of any complaint or of appeal to be made to the judge with respect to a voters' list shall be ten days after the assistant enumerator has posted up the list, inclusive of the day of such posting.

Notice of
hearing
appeals.

(6) Notice of the time and place at which appeals will be heard shall be posted up by the chief enumerator and the assistant chief enumerator with the list of voters and the board may give such directions as to further notice of the hearing of appeals as it may deem necessary to secure due publicity.

Certifying
list where
there is no
appeal.

58. If there is no appeal within such ten days the enumerator shall forthwith deposit in the office of the sheriff, and of every police magistrate in the electoral district, and in the office of the clerk of the peace and the clerk of the board respectively, a copy of his list, certified by the judge.

Fees of
enumerator
and judge.

59.—(1) The chief enumerator and each assistant enumerator for preparing, and the judge for revising the lists required by this part, shall be entitled to receive the sum of \$5 per day for the time during which he was engaged therein, and all reasonable personal expenses and disbursements.

When
additional
sums may
be author-
ized.

(2) Whenever it appears to the Lieutenant-Governor in Council that the amount provided in subsection 1 is not sufficient remuneration for the services required to be performed, he may authorize the payment of such additional sum for such services as he may consider just and reasonable.

How pay-
able.

(3) The fees, allowances and expenses payable under subsections 1 and 2, and the other expenses of preparing lists under this part shall be certified by the Chairman of the Board and shall be audited and paid in the manner provided by section 57 of *The Ontario Election Act, 1918*.

Enumera-
tors, etc.,
not to be
candidates.

60. No chief enumerator or assistant enumerator and no person in whose office the list is deposited under this part, shall be a candidate for election to the Assembly at any election at which the list is used.

Penalty
for neglect
of duty.

61. If a chief or assistant enumerator wilfully omits, neglects or refuses to perform any of the duties hereinbefore required of him, for each omission, neglect or refusal, he shall incur a penalty of \$200.

62. The wilful alteration of, omission from, incorrect entry in or falsification of any certified list or copy thereof, shall be an offence and any chief or assistant enumerator, clerk of the peace or other person who commits such offence or wilfully permits the same to be committed, shall incur a penalty of \$2,000. For misconduct.

63.—(1) Any penalty mentioned in the next preceding two sections may be recovered by any person suing for the same. Recovery of penalties.

(2) Actions for penalties incurred under the next two preceding sections shall be tried by a judge without a jury. Trial.

64. The Lieutenant-Governor in Council may make regulations,— Regulations.

(a) Prescribing forms to be used in carrying out this part;

(b) Fixing the fees and charges to be paid and allowed for any services rendered in connection with the preparation and revision of the lists;

(c) Providing for any matter in connection with the preparation of the lists not expressly provided for herein and generally for the better carrying out of the provisions of this Part.

65. This Part is substituted for the provisions of Part III of *The Ontario Voters' Lists Act* and the amendments thereto. Part substituted for Rev. Stat., c. 6, Part III.

SCHEDULE OF FORMS.

FORM I.

ELECTION LAWS AMENDMENT ACT, 1920.

(Referred to in Section 7.)

AFFIDAVIT OF PERSON APPLYING TO BE ENTERED ON LIST AFTER CHANGE OF RESIDENCE.

I, *(insert full Christian name and surname)* of the *(city, town, village or township)* of *(name of municipality)*, *(occupation)*, make oath and say *(or in the case of a voter entitled to affirm, solemnly affirm)*—

1. That I am of the full age of twenty-one years *(or I will be of the full age of twenty-one years on the day of , being the date fixed for holding the poll at this election).*

IN THE CASE OF A MALE VOTER.

2. That I am a British subject;

or

2. That I am a British subject by virtue of my naturalization before the 12th day of April, 1917;

or

2. That I am a British subject by virtue of my naturalization under *The Naturalization Act, 1914*, *(or under The Naturalization Act, 1918)*.

IN THE CASE OF A FEMALE VOTER.

2. That I am a British subject by birth and am unmarried *(or am married to a British subject)*;

or

2. That I am a British subject by virtue of my naturalization in my own right before the 12th day of April, 1917, *(or by virtue of my naturalization in my own right under The Naturalization Act, 1914, (or under The Naturalization Act, 1918))*;

or

2. That I am a British subject by virtue of my marriage to a British subject *(or by virtue of the naturalization of my parent while I was a minor)* and have done nothing to forfeit or lose my status as a British subject and am the holder of a certificate from a judge given under *The Election Laws Amendment Act, 1920*, entitling me to be entered on the voters' list and to vote.

3. That I am not a citizen or subject of any foreign country.

4. That I have resided within the Dominion of Canada since the day of *(naming a date twelve months prior to the date fixed for holding the poll)*.

5. I was a resident of and domiciled in *(state municipality from which removal took place)* and was entered on the last revised
voters

voters' list for that municipality (or was entitled to be entered on the last revised voters' list for such municipality).

6. That had I remained a resident of such municipality I would have been entitled to be entered on the voters' list and to vote at this election therein.

7. That on the day of (*insert date of removal*) I removed from the said municipality to this (city, town, village or township), and am now resident at (*insert street number, lot and concession of place of residence*), and that such removal took place in the pursuit of my ordinary profession (or occupation or calling) and not for the purpose of enabling me to vote at this election in this municipality.

[*or, in the case of a person who has moved from one electoral district to another as a member of the family or household, of a person who has so moved in the pursuit of his ordinary occupation or calling or business.*]

7. That on the day of (*insert date of removal*) I moved from the said municipality to this (city, town, village or township) with C. D. as a member of his family or household being the wife (or son or daughter or other relation or dependent, naming the relationship or connection) of the said C. D., who moved as aforesaid in the pursuit of his ordinary profession (or occupation or calling) and not as I verily believe for the purpose of enabling him or the members of his family to vote at this election.]

8. That I am now a resident of and domiciled in this municipality.

9. That I am not disqualified from voting at this election under *The Ontario Election Act* or under *The Disqualification Act, 1919*, or otherwise by law prohibited from voting or from being entered upon the list.

10. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

11. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (or affirmed) before me

at

this day of , 19 .

C. D.,

Commissioner, etc.

A. B.

(Signature of applicant.)

FORM II.

ELECTION LAWS AMENDMENT ACT, 1920.

(*Referred to in section 7, subs. 2).*

CERTIFICATE OF REVISING OFFICER OR JUDGE AS TO PERSON REMOVING
FROM ONE ELECTORAL DISTRICT TO ANOTHER.

County of

To Wit:

I,
do certify that

(*name of Revising officer or judge*)
(*insert*
name)

name of voter), having duly filed with me the affidavit required by section 2 of *The Election Laws Amendment Act, 1920*, as having removed into the electoral district of (insert name of district) within three months from the day fixed for holding the poll at the election of a member to serve in the Assembly for the said electoral district and having satisfied me that he is entitled to be entered on the list of voters in the municipality of _____, and to vote therein at the poll to be held on the _____ day of _____, I have caused his name to be entered upon the list of voters for polling subdivision No. _____ in the _____ of _____ as provided by the said Act, and I believe him to be duly entitled to vote at the said poll.

Given under my hand and seal
this day of

19

Revising Officer.

or *Judge*.

(as the case may be).

FORM III.

ELECTION LAWS AMENDMENT ACT, 1920.

(Referred to in section 9, subs. 2).

FORM OF CERTIFICATE FOR WOMEN OF FOREIGN BIRTH.

I, _____ a Judge of the _____ Court,
hereby certify that _____ of the _____
of _____ in the county of _____ not
being a British subject by virtue of her birth in Canada or some
other part of the British Empire, has personally appeared before
me and has satisfied me that she.—

1. Is of the full age of twenty-one years;
2. Has resided in Canada a sufficient length of time;
3. Is possessed of all the qualifications necessary to enable her, if unmarried, to become naturalized as a British subject: and

That she has taken the oath of Allegiance to His Majesty.

Given under my hand and
the seal of the said Court,
this day
of 19

Judge.

FORM IV.

ELECTION LAWS AMENDMENT ACT, 1920.

(Section 24.)

FORM OF OATH TO BE ADMINISTERED TO MALE VOTER QUALIFIED UNDER
SECTION 6, PARAGRAPH 1.

You swear (a)

1. That you are the person named by the name of in the polling list now shown to you (*or where a voter votes under a certificate given under section 88 of The Ontario Election Act*), that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years;

3. That you are a British subject by birth,—

or, at the option of the voter,

3. That you are a British subject by virtue of your naturalization before the 12th day of April, 1917 (*or by virtue of your naturalization under The Naturalization Act, 1914, or under The Naturalization Act, 1918.*)

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past. (*b.*)

6. That you have resided in this electoral district continuously (*b*) for the three months last past, and that you are now actually resident or domiciled therein.

(or, at the option of the voter in the case of a city divided into two or more electoral districts or parts of which are situate in two or more electoral districts).

6. That you have resided in this municipality continuously for three months past and that you have resided continuously for the thirty days last past in this electoral district, (*b*) and are now actually resident and domiciled therein.

(or, in the case of a voter who is the holder of a certificate issued under section 7 of The Election Laws Amendment Act, 1920).

6. That you are the person named in the certificate now produced by you and issued under section 7 of *The Election Laws Amendment Act, 1920*, and have been since the issue of said certificate and are now actually resident and domiciled in this electoral district.

7. That you are not disqualified from voting at this election, and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(*a*) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(*b*) In case the voter has been temporarily absent, insert the following words: "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*) as the case may be."

FORM

FORM V.

ELECTION LAWS AMENDMENT ACT, 1920.

(Section 24.)

FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER QUALIFIED
UNDER SECTION 6, PARAGRAPH I.

You swear (a)

1. That you are the person named by the name of
in the polling list now shown to you (*or where a voter votes
under a certificate given under section 88 of The Ontario Election
Act*) that you are the person named in the certificate now shown
to you.

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried (*or
are married to a British subject*).

(*or, at the option of the voter,*)

3. That you are a British subject by virtue of your naturaliza-
tion in your own right before the 12th day of April, 1917, or by
virtue of your naturalization under *The Naturalization Act, 1914*,
or under *The Naturalization Act, 1918*.

(*or, at the option of the voter,*)

3. That you are a British subject by virtue of your marriage to
a British subject (*or by virtue of the naturalization of your par-
ent while you were a minor*) and have done nothing to forfeit or
lose your status as a British subject and are the holder of a cer-
tificate from a Judge, given under *The Election Laws Amendment
Act, 1920* and now produced by you, entitling you to be entered
on the voters' list and to vote.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the
twelve months last past.

6. That you were at the time of your entry upon the last revised
list of voters a resident of and domiciled in the municipality in
which this polling subdivision is situate.

6. That you have resided in this electoral district continuously
for the three months last past, and that you are now actually resi-
dent and domiciled therein.

(*or, at the option of the voter, in the case of a city divided into
two or more electoral districts or parts of which are situate in
two or more electoral districts,*)

6. That you have resided in this municipality continuously for the
three months last past and that you have resided continuously for
the thirty days last past in this electoral district (*b*) and are now
actually resident and domiciled therein.

(Or, in the case of a voter who is the holder of a certificate issued
under section 7 of *The Election Laws Amendment Act, 1920*.)

6. That you are the person named in the certificate now produced
by you and issued under section 7 of *The Election Laws Amend-*

ment

ment Act, 1920, and have been since the issue of the said certificate, and are now actually resident and domiciled in this electoral district.

7. That you are not disqualified from voting at this election and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words: "except occasionally or temporarily, or as a student in an institution of learning in Canada, that is to say (*naming the institution*) as the case may be."

FORM VI.

ELECTION LAWS AMENDMENT ACT, 1920.

(Section 24.)

FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER SECTION 6, PARAGRAPH 2, AND MARKED "S.F." ON POLLING LIST.

You swear (a)

1. That you are the person named, or intended to be named, by the name of _____, in the polling list now shown to you (or where a voter votes under a certificate given under section 88 of *The Ontario Election Act*, that you are the person named in the certificate now shown to you).

2. That you are a British subject.

3. That you served in the military or naval forces of Great Britain or Canada (or any other British Dominion or possession, or in the military or naval forces of one of Great Britain's Allies in the late war with Germany, *naming the force in which the voter served*).

4. That you have not before voted at this election at this or any other polling place.

5. That you have not received anything nor has anything been promised to you directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

6. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

FORM

FORM VII.

ELECTION LAWS AMENDMENT ACT, 1920.

(Section 24.)

FORM OF OATH TO BE ADMINISTERED TO MALE VOTER IN TERRITORY
WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)

1. That you are the person named or intended to be named in the polling list now shown to you (*or where a voter votes under a certificate given under section 88 of The Ontario Election Act, that you are the person named in the certificate now shown to you*).

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth;

[or at the option of the voter

3. That you are a British subject by virtue of your naturalization before the 12th day of April, 1917 (*or by virtue of your naturalization under The Naturalization Act, 1914, or The Naturalization Act, 1918.*]

4. That you are not a citizen or subject of any foreign country.

5. That you have resided in the Province of Ontario for the twelve months last past.

6. That you were at the time of the entry of your name upon the polling list now shown to you in good faith a resident of and domiciled in the electoral district for which the list was prepared, and that you have resided in this electoral district continuously since the said date and that you are now actually resident and domiciled therein.

7. That you are not disqualified from voting and are qualified to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

FORM

FORM VIII.

ELECTION LAWS AMENDMENT ACT, 1920.

(Section 24.)

FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER IN TERRITORY
WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)

1. That you are the person named or intended to be named in the polling list now shown to you (*or where a voter votes under a certificate given under section 88 of The Ontario Election Act, that you are the person named in the certificate now shown to you*).

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried (*or are married to a British subject*).

[*or at the option of the voter*

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, or by virtue of your naturalization under *The Naturalization Act, 1914*, or under *The Naturalization Act, 1918*.]

[*or at the option of the voter*

3. That you are a British subject by virtue of your marriage to a British subject (*or by virtue of the naturalization of your parent while you were a minor*) and have done nothing to forfeit or lose your status as a British subject and are the holder of a certificate from a Judge given under *The Election Laws Amendment Act, 1920*, and now produced by you, entitling you to be entered on the voters' list and to vote.]

4. That you are not a citizen or subject of any foreign country.

5. That you have resided in the Province of Ontario for the twelve months last past.

6. That you were at the time of the entry of your name upon the polling list now shown to you in good faith a resident of and domiciled in the electoral district for which the list was prepared, and that you have resided in this electoral district continuously since the said date and that you are now actually resident and domiciled therein.

7. That you are not disqualified from voting and are qualified to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

CHAPTER 3.

An Act to amend The Legislative Assembly Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Legislative Assembly Amendment Act, 1920*.

Rev. Stat.,
c. 11,
amended.
9 Geo. V.,
c. 25, s. 4,
amended.

2. Section 75 of *The Legislative Assembly Act* as enacted by section 4 of *The Statute Law Amendment Act, 1919*, is repealed and the following substituted therefor:—

Extra
allowance
to leaders
of opposition.

75.—(1) To the member or members recognized by the speaker as occupying the position of leader or leaders of the opposition or oppositions in the Legislative Assembly, there shall be payable over and above the sessional indemnity mentioned in section 68 an additional sessional indemnity of \$5,000 to be divided among such leaders if more than one, as may be agreed between them.

When
amendment
to take
effect.

(2) The amendment made by subsection 1 shall be effective for the year ending the 31st day of October, 1920.

Extra
allowance
to leaders
of groups.

(3) From and after the 31st day of October, 1920, to each member recognized by the Speaker as leader of an opposition group of fifteen or more members in the Legislative Assembly, there shall be payable over and above the sessional indemnity mentioned in section 68 an additional indemnity of \$1,500.

3. The sum of ten thousand dollars shall be appropriated out of the Consolidated Revenue Fund to pay in cases under special circumstances on the recommendation of the Civil Service Commissioner, such increases in salary as may be directed by the Lieutenant-Governor in Council to be paid to such of the officers and servants of the Legislature of Ontario or of the Assembly as are not assigned by the Lieutenant-Governor in Council to the direction of any member of the Executive Council, for the fiscal years 1919-1920 and 1920-1921 and every such increase shall be paid in addition to and shall form part of the salary of the officer or servant to whom such increase is directed to be paid for each of such fiscal years, and shall be the same in all respects and for all purposes as if such increase had been voted in the estimates or appropriated by the Legislature for that purpose anything in *The Public Service Act* or in any other Statute of Ontario to the contrary notwithstanding.

Appropriations for increases in salaries of officers of Assembly.

CHAPTER 4.

An Act respecting Superannuation and Retiring Allowances of Civil Servants.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Ontario Public Service Superannuation Act, 1920.*

Interpreta-
tion.

2. In this Act:

"Board."

(a) "Board" shall mean board appointed under the authority of this Act to administer the same;

"Employee."

(b) "Employee" shall mean and include every person employed in the service of the Crown as representing the Province of Ontario who receives a stated annual salary with or without perquisites or emoluments in addition thereto, and the Provincial Auditor, the officers, clerks, and servants in the Audit Office and the officers and employees of the Assembly, but shall not include any person appointed for a temporary purpose or for a stated period or employed temporarily in any work or service for the Government of Ontario;

"Fund."

(c) "Fund" shall mean Public Service Superannuation Fund;

"Government."

(d) "Government" shall mean the Lieutenant-Governor of Ontario acting upon the advice of the Executive Council;

"Regulations."

(e) "Regulations" shall mean regulations made under the authority of this Act.

Establish-
ment of
retirement
fund and
account.

3. There shall be established a fund to be known as the Public Service Superannuation Fund and an account shall be opened in the books of the Treasurer of Ontario to be known as the Public Service Superannuation Fund Account.

Fund—how
constituted.

4. The Fund shall be formed of contributions from the salaries of the employees and payments and credits to be made thereto on behalf of the Government as hereinafter provided.

5. Subject to the provisions of this Act and to the regulations there shall be granted a yearly superannuation allowance to: Who shall be entitled to superannuation allowance.

(a) Every employee who having attained the age of seventy years, and having served at least ten years continuously in the public service retires therefrom;

(b) Every employee who, having served at least ten years continuously in the public service, is retired therefrom for any cause other than misconduct or improper behaviour on his part, and who is declared by the Lieutenant-Governor in Council upon the report of the Civil Service Commissioner to be entitled to superannuation.

6. Every male employee, if married at the date of his entering the service, or if married subsequently and before he has been for ten years in the service, shall furnish to the Board from time to time as required, a certificate that his life is insured in some reliable insurance company for an amount of not less than \$5,000 and for a period of at least ten years from the date of his entering the service, and in default of his furnishing such certificate, the Board may insure the life of such employee and the cost of such insurance shall be deducted from his salary. Married employees required to carry life insurance.

7. Where an employee who would have been entitled upon his retirement to the superannuation allowance, dies after having served for at least ten years continuously in the public service there shall be granted to his personal representatives or to a member of his family, a lump sum not exceeding one year's salary at the rate of the average yearly salary of such employee during the last three years of his service, or a lump sum not exceeding the contributions made by him under this Act during his lifetime with interest at five per cent. per annum compounded yearly whichever may be the greater. Death of employee; when allowance payable to widow and children.

(a) Or, in case such employee dies leaving a widow or infant children under the age of eighteen years, one half of the superannuation allowance to which such employee would have been entitled had he been superannuated at the date of his death shall be paid to the widow for her life or during her widowhood, but if the wife of such employee dies before him, or where having survived him, she dies or marries again leaving infant children by him, such half superannua-

tion

tion allowance shall be paid to those children of such employee if any, who shall not have attained the age of eighteen years, and until they do attain such age.

Death before having served ten years.

8. Where an employee dies while in the public service before having served for ten years, there shall be granted to his personal representatives, or to a member of his family, a lump sum not exceeding the total of the contributions made by such employee under this Act with interest at five per cent.

Retirement before being entitled to annual allowance.

9. Where an employee retires voluntarily from the service, or his office is abolished before the time when a superannuation allowance could be granted to him, the sums which have been deducted from his salary under this Act shall be forthwith returned to him with interest at the rate of five per cent.

Valuing perquisites, etc., for purposes of Act.

10. Where in addition to a cash salary an employee enjoys emoluments, perquisites or privileges incidental to his office, the board shall fix the value of such emoluments, perquisites or privileges and the same shall be added to, and for the purposes of this Act shall be deemed to form part of his salary, and the deductions required by this Act shall be made upon that basis from the cash salary received by him.

Deductions from salaries for fund.

11.—(1) Commencing with the month of November, 1920, and thereafter, there shall be deducted from the salary of every employee monthly an amount equal to the percentage of his salary according to the scale set out in subsection 2 of this section, and the amount so deducted shall be placed to the credit of the fund in the Public Service Superannuation Fund Account.

Rate of percentage of deductions.

(2) The percentage to be deducted from the salary of an employee shall be as follows:

(a) If the employee is in the public service at the time of the commencement of this Act and is less than twenty-one years of age—or enters the service after the commencement of this Act when he is less than twenty-one years of age—two and one-half per cent.;

(b) If the employee is in the public service at the time of the commencement of this Act and is not less than twenty-one years of age nor more than twenty-six years of age—or enters the service

service after the commencement of this Act when he is not less than twenty-one years of age nor more than twenty-six years of age—two and three-quarters per cent.;

(c) If the employee is in the public service at the time of the commencement of this Act and is not less than twenty-six years of age nor more than twenty-nine years of age—or enters the service after the commencement of this Act when he is not less than twenty-six years of age nor more than twenty-nine years of age—three per cent.;

(d) If the employee is in the public service at the time of the commencement of this Act and is not less than twenty-nine years of age nor more than thirty-two years of age—or enters the public service after the commencement of this Act when he is not less than twenty-nine years of age nor more than thirty-two years of age—three and one-quarter per cent.;

(e) If the employee is in the public service at the time of the commencement of this Act and is not less than thirty-two years of age nor more than thirty-five years of age—or enters the service after the commencement of this Act when he is not less than thirty-two years of age nor more than thirty-five years of age—three and one-half per cent.;

(f) If the employee is in the public service at the time of the commencement of this Act and is not less than thirty-five years of age nor more than thirty-seven years of age—or enters the service after the commencement of this Act when he is not less than thirty-five years of age nor more than thirty-seven years of age—three and three-quarters per cent.;

(g) If the employee is in the public service at the time of the commencement of this Act and is not less than thirty-seven years of age nor more than thirty-nine years of age—or enters the service after the commencement of this Act when he is not less than thirty-seven years of age nor more than thirty-nine years of age—four per cent.;

(h)

- (h) If the employee is in the public service at the time of the commencement of this Act and is not less than thirty-nine years of age nor more than forty-one years of age—or enters the service after the commencement of this Act when he is not less than thirty-nine years of age nor more than forty-one years of age—four and one-quarter per cent.;
- (i) If the employee is in the public service at the time of the commencement of this Act and is not less than forty-one years of age nor more than forty-three years of age—or enters the service after the commencement of this Act when he is not less than forty-one years of age nor more than forty-three years of age—four and one-half per cent.;
- (j) If the employee is in the public service at the time of the commencement of this Act and is not less than forty-three years of age nor more than forty-five years of age—or enters the service after the commencement of this Act when he is not less than forty-three years of age nor more than forty-five years of age—four and three-quarters per cent.;
- (k) If the employee is in the public service at the time of the commencement of this Act and is more than forty-five years of age—or enters the service after the commencement of this Act when he is more than forty-five years of age—five per cent.

Government
equivalent
contribu-
tion.

12. Whenever any amount is credited to the fund by way of deductions from the salaries of the employees an equivalent amount shall be credited to the fund as the contribution of the Government thereto.

Interest on
fund.

13. There shall be credited to the fund by the Government interest at the rate of five per cent. per annum compounded annually and such interest shall be made up as of the close of each fiscal year upon any balance at the credit of the fund as the contribution of employees or of the Government at the commencement of the fiscal year and all sums contributed by the employees and by the Government during the year.

Deficiencies
in fund,
how made
up.

14. Until the contributions by the employees and the Government are sufficient to equal the benefits provided for and payable to employees under this Act and thereafter

whenever

whenever the amount at the credit of the fund is insufficient to meet the payments required on account of benefits to employees provided by this Act, the deficiency shall be made up out of the Consolidated Revenue Fund.

15. The costs of the administration of this Act shall be borne by the Province of Ontario and shall be payable out of such moneys as may be appropriated from time to time by the Legislature for that purpose. Cost of administration.

16. The superannuation allowance payable to any employee shall be calculated upon the average yearly salary of the employee during the last three years of his service and shall not exceed one-fiftieth part of such annual salary multiplied by the total number of years continuous service, including service previous to appointment by order in council where such service has been continuous, but not more than thirty years of service shall be reckoned, nor shall the yearly superannuation allowance exceed in any case the sum of \$2,000. How superannuation allowance to be calculated.

17.—(1) Except as provided in subsection three of this section and subject to the provisions of sections 26 and 27, and notwithstanding anything contained in any Act relating to any department, branch, or office in the public service or in any other Act of this Legislature, every employee, no matter by what tenure he holds office, shall retire from the service of the Government upon attaining the age of 70 years. Compulsory retirement at seventy years of age.

(2) An employee who has served for thirty years or more in the service of the Government and has attained the age of sixty-five years may be retired at his option or at the option of the Government and shall be entitled to the superannuation allowance hereinbefore provided. Optional retirement at sixty-five.

(3) Where the Lieutenant-Governor in Council decides that it is in the public interest to retain the services of an employee who has attained the age of seventy years before or after the commencement of this Act, the Lieutenant-Governor in Council may, with the consent of such employee, direct that he be continued in the service for a further period upon such terms as to remuneration during service, and as to superannuation or retiring allowance upon retirement as the Lieutenant-Governor in Council may deem expedient. Power to make exceptions as to compulsory retirement.

18. Where an employee who is granted a superannuation allowance under this Act dies before having received in all an amount equal to one year's salary at the rate of his annual Death of superannuated employee before receiving one yearly

year's
salary or
leaving
widow or
children.

yearly salary during the last three years of his service, there shall be paid to the personal representatives of such person, or to a member of his family, as the Board may direct, a sum equal to the remainder of such amount, or where such employee dies leaving a widow, or child under the age of eighteen years, one-half of the superannuation allowance to which the deceased was entitled shall be continued to the widow of such employee for her life or during her widowhood, but if such employee is a widower or if his wife having survived him, remarries, such one-half superannuation allowance shall be paid to the children of such employee, if any, who have not attained the age of eighteen years and until they have attained that age.

Widow
under fifty
marrying
employee
over sixty.

(a) Nothing in this section shall apply to a widow, under fifty years of age, of an employee to whom she was married after he reached the age of sixty years.

Employees
over age
retiring
before
reaching
ten years'
service.

19. An employee who is in the service of the Government at the commencement of this Act and who retires on account of having reached the age of retirement before he has been ten years in the service shall be paid out of the Consolidated Revenue Fund an amount equal to one-tenth of his annual salary multiplied by the number of years he has been in the service.

Employees
over age at
time of
commence-
ment of Act
after ten
years'
service.

20. An employee who is in the service of the Government at the time of the commencement of this Act and who is retired at any time after the passing of this Act on account of having reached the age of retirement after having been at least ten years in the service, shall receive annually as a superannuation allowance at least one-half of the salary which he was receiving immediately preceding his superannuation, but such allowance shall in no case exceed annually the sum of \$2,000.

Manner of
payment.

21. The superannuation allowance payable to any employee under this Act or to his widow or infant children shall be paid in monthly instalments in the manner herein-after provided.

Interest of
employee
not liable to
taxation,
attach-
ment, etc.

22. The interest of any employee in the fund under this Act or in any retiring allowance or pension payable out of the fund shall be exempt from provincial and municipal taxes and shall not be subject to garnishment or attachment or seizure or any legal process and shall be unassignable.

Board, how
composed.

23. This Act shall be administered by a board to be known as the Public Service Superannuation Board, which shall

shall consist of the President of the Executive Council, who shall be the chairman thereof, the Civil Service Commissioner, one representative to be appointed by each of the recognized political parties in the Legislature, and a representative of the Ontario Civil Service Association.

24. No employee shall be entitled to receive any payment on account of superannuation allowance until the Board has reported that he is entitled thereto under the provisions of this Act. Board to report on superannuation.

25. The Board, subject to the approval of the Lieutenant-Governor in Council, may make regulations,— Regulations by Board.

(a) Providing for the proofs to be furnished before granting any allowance under this Act;

(b) Generally for the better carrying out of the provisions of this Act.

26. Superannuation shall be compulsory for every employee eligible therefor and to whom it is offered by the Government, and such offer shall in no manner be considered as a censure upon an employee. Superannuation compulsory.

27. Where a question arises as to the application of this Act to any officer, clerk or servant in the employment of the Government or as to any class of employees, the same shall be determined by the Lieutenant-Governor in Council. Regulations by Government.

28.—(1) The payments and credits required to be made by the Government by way of contributions to the fund and for interest and the benefits payable under this Act to employees or their representatives, and the costs and expenses incurred in the administration of this Act shall be a charge upon and shall be payable out of the Consolidated Revenue Fund. Payments and credits out of Consolidated Revenue Fund.

(2) The payment of any benefit to an employee or his representatives under this Act, and the payment of the expenses incurred in the administration of the fund shall be made upon a requisition in writing signed by the chairman of the Board and directing the issue of the cheque of the Treasurer of Ontario for the amount named in the requisition, and such direction shall be final and conclusive, and the cheque of the Treasurer of Ontario shall be issued for the amount stated in the requisition and the Auditor shall countersign the same, anything in *The Audit Act* to the contrary notwithstanding. How payments to be made.

Annual
statement
to Assembly.

29. There shall be laid before the Legislative Assembly within one week after the commencement of each Session a return showing:—

- (a) The names of all civil servants who have retired from the public service, or who have died during the last preceding fiscal year;
- (b) The offices held by them or the nature of their employment respectively;
- (c) The amount of salary payable to each at the time of retirement or death;
- (d) The age of each at retirement;
- (e) The cause of retirement in the case of any one retiring before attaining the age of seventy years;
- (f) The amount of superannuation or other allowance granted in each case;
- (g) All regulations made under this Act.

Widows
benefiting
not to
receive
mothers'
allowance.

30. Any widow or child receiving benefits under this Act shall not be eligible for benefits under any Act of this Legislature providing for the payment of allowances to mothers of infant children.

Employees
on other
funds not to
benefit.

31. An employee who is in receipt of benefits from any other superannuation Act or fund to which the Government contributes shall not be eligible for benefits under this Act.

But:

- (a) An employee who at the time of the commencement of this Act is in receipt of benefits from any fund for superannuated teachers shall be entitled upon his retirement to receive from the fund any sum provided by this Act less the amount of any pension payable to him as a superannuated teacher, and
- (b) An employee who is at the time of the passing of this Act a contributor to any such fund for superannuated teachers shall make his election in writing before the first day of July, 1920, as to whether he will remain a contributor to such fund or will become a contributor to and entitled to share in the benefits of the fund established under this Act, and if he elects to become a contributor to the fund established under this Act he shall cease to be a contributor to or to be entitled to the benefit of any such fund for superannuated teachers, and shall become subject to the provisions of this Act.

Commence-
ment of Act.

32. This Act shall come into force and take effect on the 15th day of June, 1920.

CHAPTER

CHAPTER 5.

An Act to amend The Provincial Loans Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 4 of *The Provincial Loans Act* is amended by striking out the words “not exceeding six per centum per annum” where they occur in the third and fourth lines of clause (a) and in the second and third lines of clause (b) of the said subsection. Rev. Stat., c. 21, s. 4, subs. 1, amended.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 6.

An Act for raising Money on the Credit of the
Consolidated Revenue Fund.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Loan of
\$10,000,000
authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding ten million dollars (\$10,000,000) for all or any of the purposes following, that is to say: for the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature.

Terms of
loan.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Exemption
from
taxation.

3. The Lieutenant-Governor in Council may direct that the securities issued for the loan authorized by this Act shall be free from any or all provincial taxes, succession duties and impositions whatsoever.

Sinking
fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum on the amount of such debentures or stock, as specified in subsection 2 of section 4 of *The Provincial Loans Act*.

Commence-
ment of
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 7.

An Act to authorize the Lieutenant-Governor in Council to Guarantee the Payment of Certain Debentures.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Debentures Guarantee Act, 1920.* Short title.

2. The Lieutenant-Governor in Council may authorize the Treasurer of Ontario to guarantee the payment, on behalf of Ontario, of the debentures issued or to be issued under:— Authority to guarantee certain debentures.

(a) By-law No. 20 of the Corporation of the Town of Capreol, intituled "A by-law to authorize the borrowing of eight thousand dollars by the issue of debentures to construct a fire hall and purchase fire engine, apparatus and appurtenances for fire protection." Town of Capreol—fire protection.

(b) By-law No. 21 of the Corporation of the Town of Capreol, intituled "A by-law to authorize the borrowing of two thousand dollars by the issue of debentures to construct a market building and to construct a place of detention, and equipment of same." Town of Capreol—market building.

3. The form of guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council. Form of guarantee.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 8.

An Act to amend The Succession Duty Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.
Commence-
ment of
Act.

1. This Act may be cited as *The Succession Duty Amendment Act, 1920*, and shall come into force and take effect on the day upon which it receives the Royal Assent.

Rev. Stat.,
c. 24, s. 8,
amended.

2. Section 8 of *The Succession Duty Act* as enacted by *The Succession Duty Act, 1914*, and amended by section 4 of *The Succession Duty Act, 1915*, and by section 3 of *The Act to amend The Succession Duty Act* passed in the eighth year of His Majesty's reign, is amended by striking out the schedule of rates contained in subsection 1 thereof and substituting the following:

Where
property
passes to
grand-
parents, etc.

- (a) Exceeds \$25,000 and does not exceed \$50,000,
1 per cent.
- (b) Exceeds \$50,000 and does not exceed \$75,000,
2½ per cent.
- (c) Exceeds \$75,000 and does not exceed \$100,000,
3½ per cent.
- (d) Exceeds \$100,000 and does not exceed \$150,000,
5 per cent.
- (e) Exceeds \$150,000 and does not exceed \$200,000,
5½ per cent.
- (f) Exceeds \$200,000 and does not exceed \$300,000,
6 per cent.
- (g) Exceeds \$300,000 and does not exceed \$400,000,
6½ per cent.
- (h) Exceeds \$400,000 and does not exceed \$500,000,
7 per cent.
- (i) Exceeds \$500,000 and does not exceed \$600,000,
7½ per cent.
- (j) Exceeds \$600,000 and does not exceed \$700,000,
8 per cent.

(k)

- (k) Exceeds 700,000 and does not exceed \$800,000, 8½ per cent.
- (l) Exceeds \$800,000 and does not exceed \$900,000, 9 per cent.
- (m) Exceeds \$900,000 and does not exceed \$1,000,000, 9½ per cent.
- (n) Exceeds \$1,000,000. 10 per cent.

3. The said section 8 is further amended by striking out the schedule of rates contained in subsection 2 thereof and substituting the following:

Additional
duty where
share
exceeds
\$50,000.

Where the whole amount so passing to one person:—

- (a) Exceeds \$50,000 and does not exceed \$75,000, 1½ per cent.
- (b) Exceeds \$75,000 and does not exceed \$100,000, 2 per cent.
- (c) Exceeds \$100,000 and does not exceed \$150,000, 2½ per cent.
- (d) Exceeds \$150,000 and does not exceed \$300,000, 3 per cent.
- (e) Exceeds \$300,000 and does not exceed \$400,000, 3½ per cent.
- (f) Exceeds \$400,000 and does not exceed \$500,000, 4½ per cent.
- (g) Exceeds \$500,000 and does not exceed \$600,000, 5 per cent.
- (h) Exceeds \$600,000 and does not exceed \$700,000, 5½ per cent.
- (i) Exceeds \$700,000 and does not exceed \$750,000, 6 per cent.
- (j) Exceeds \$750,000 and does not exceed \$800,000, 6½ per cent.
- (k) Exceeds \$800,000 and does not exceed \$900,000, 7 per cent.
- (l) Exceeds \$900,000 and does not exceed \$1,000,000, 7½ per cent.
- (m) Exceeds \$1,000,000 and does not exceed \$1,200,000, 8 per cent.
- (n) Exceeds \$1,200,000 and does not exceed \$1,400,000, 8½ per cent.
- (o) Exceeds \$1,400,000 and does not exceed \$1,600,000, 9 per cent.
- (p) Exceeds \$1,600,000 and does not exceed \$1,800,000, 9½ per cent.
- (q) Exceeds \$1,800,000 and does not exceed \$2,000,000, 10 per cent.
- (r) Exceeds \$2,000,000 and does not exceed \$2,200,000, 10½ per cent.

(s)

- (s) Exceeds \$2,200,000 and does not exceed \$2,400,000, 11 per cent.
- (t) Exceeds \$2,400,000 and does not exceed \$2,600,000, 12 per cent.
- (u) Exceeds \$2,600,000 and does not exceed \$2,800,000, 13 per cent.
- (v) Exceeds \$2,800,000 and does not exceed \$3,000,000, 14 per cent.
- (w) Exceeds \$3,000,000, 15 per cent.

Rate of
duty where
property
passes to
certain
relatives.

4. The said section is further amended by striking out the schedule of rates contained in subsection 3 thereof and substituting the following:

Where the aggregate value—

- (a) Exceeds \$10,000 and does not exceed \$25,000, 5 per cent.
- (b) Exceeds \$25,000 and does not exceed \$50,000, 7 per cent.
- (c) Exceeds \$50,000 and does not exceed \$100,000, 10 per cent.
- (d) Exceeds \$100,000 and does not exceed \$200,000, 12½ per cent.
- (e) Exceeds \$200,000 and does not exceed \$400,000, 13 per cent.
- (f) Exceeds \$400,000 and does not exceed \$600,000, 14 per cent.
- (g) Exceeds \$600,000 and does not exceed \$800,000, 15 per cent.
- (h) Exceeds \$800,000 and does not exceed \$1,000,000, 16 per cent.
- (i) Exceeds \$1,000,000, 17 per cent.

Additional
duty where
share
exceeds
\$10,000.

5. The said section is further amended by striking out the schedule of rates contained in subsection 4 thereof and substituting the following:

Where the whole amount so passing to one person—

- (a) Exceeds \$10,000 and does not exceed \$75,000, 2½ per cent.
- (b) Exceeds \$75,000 and does not exceed \$150,000, 3 per cent.
- (c) Exceeds \$150,000 and does not exceed \$250,000, 3½ per cent.
- (d) Exceeds \$250,000 and does not exceed \$300,000, 4 per cent.
- (e) Exceeds \$300,000 and does not exceed \$350,000, 4½ per cent.
- (f) Exceeds \$350,000 and does not exceed \$450,000, 5 per cent.

(g)

- (g) Exceeds \$450,000 and does not exceed \$500,000, 5½ per cent.
- (h) Exceeds \$500,000 and does not exceed \$600,000, 6 per cent.
- (i) Exceeds \$600,000 and does not exceed \$700,000, 6½ per cent.
- (j) Exceeds \$700,000 and does not exceed \$800,000, 7 per cent.
- (k) Exceeds \$800,000 and does not exceed \$900,000, 7½ per cent.
- (l) Exceeds \$900,000 and does not exceed \$1,000,000, 8 per cent.
- (m) Exceeds \$1,000,000 and does not exceed \$1,500,000, 9 per cent.
- (n) Exceeds \$1,500,000 and does not exceed \$2,000,000, 10 per cent.
- (o) Exceeds \$2,000,000 and does not exceed \$2,500,000, 11 per cent.
- (p) Exceeds \$2,500,000 and does not exceed \$3,000,000, 12 per cent.
- (q) Exceeds \$3,000,000, 13 per cent.

6. The said section is further amended by striking out the schedule of rates in subsection 6 thereof and substituting the following:

Rate
where
property
passes to
other
persons.

Where the aggregate value—

- (a) Exceeds \$5,000 and does not exceed \$10,000, 7½ per cent.
- (b) Exceeds \$10,000 and does not exceed \$50,000, 12½ per cent.
- (c) Exceeds \$50,000 and does not exceed \$100,000, 15 per cent.
- (d) Exceeds \$100,000 and does not exceed \$200,000, 17½ per cent.
- (e) Exceeds \$200,000 and does not exceed \$300,000, 20 per cent.
- (f) Exceeds \$300,000 and does not exceed \$400,000, 22½ per cent.
- (g) Exceeds \$400,000 and does not exceed \$500,000, 25 per cent.
- (h) Exceeds \$500,000 and does not exceed \$600,000, 27½ per cent.
- (i) Exceeds \$600,000 and does not exceed \$700,000, 30 per cent.
- (j) Exceeds \$700,000 and does not exceed \$800,000, 32½ per cent.
- (k) Exceeds \$800,000, 35 per cent.

CHAPTER 9.

An Act to amend The Corporations Tax Act.

Assented to May 19th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Corporations Tax Act, 1920.*

Rev. Stat.,
c. 27, s. 2
amended.

2. The clause lettered *e* in section 2 of *The Corporations Tax Act* as amended by section 2 of *The Corporations Tax Act, 1915*, is repealed, and the following substituted therefor:—

"Insurance
company,"
meaning of.

(*e*) "Insurance company" shall include life, fire, ocean, or inland marine, inland transit, accident, plate glass, automobile, steam boiler and burglary insurance companies and guarantee, surety or casualty companies which transact business or undertake risks on lives or property in Ontario, wherever such companies may be incorporated, whether the head office is situated in Ontario or elsewhere, but shall not include purely mutual fire insurance companies or mutual live stock and weather insurance companies licensed or registered under *The Ontario Insurance Act*, or friendly societies lawfully transacting insurance business in Ontario under the said Act.

4 Geo. V.,
c. 11, s. 2,
amended.

Tax on
paidup
capital
of bank.

3. The clause lettered *a* in subsection 2 of section 4 of *The Corporations Tax Act*, as enacted by section 2 of *The Corporations Tax Act, 1914*, is amended by striking out the words "one-tenth of one per cent," in the first line thereof and inserting in lieu thereof the words "one-fifth of one per cent."

4 Geo. V.,
c. 11, s. 4,
amended.

4. The clause lettered *b* in subsection 2 of section 4 of *The Corporations Tax Act*, as enacted by section 2 of *The*

Corporations

Corporations Tax Act, 1914, as amended by section 3 of *The Corporations Tax Act, 1915*, is amended by striking out the figures "\$1,500" in the first line and inserting in lieu thereof the figures "\$3,000," and by striking out the figures "\$50" in the second line and inserting in lieu thereof the figures "\$100."

5. Subsection 3 of section 4 of *The Corporations Tax Act*, as enacted by section 2 of *The Corporations Tax Act, 1914*, and amended by section 4 of *The Corporations Tax Act, 1915*, is repealed, and the following substituted therefor:

- 3.—(a) Every life insurance company shall pay a tax of one and one-quarter per cent on all gross premiums less the cash value of dividends to policy holders, and every other insurance company of one per cent. calculated on the gross premiums received by the company in respect of the business transacted in Ontario;
- (b) In the case of mutual fire insurance companies which receive premiums in cash the tax shall be calculated on the gross premiums received in cash in respect of the insurance transacted on the cash plan in Ontario;
- (c) In the case of reinsurance by an insurance company the company reinsured shall be exempt from the tax imposed on the portion of the premium paid to the reinsuring company, but the reinsuring company shall be liable for the tax in respect thereof as part of its gross premiums. Where the reinsuring company does not transact business in Ontario and has no principal or head office therein, the company reinsured shall retain in its hands so much of the premium for reinsurance as is equivalent to the tax imposed in respect of such premium, and shall be liable for the tax and for the payment thereof to the Treasurer;
- (d) Where any country or any state of any country imposes a tax or license fee which has the effect of discriminating against insurance companies or against any classes of insurance companies organized under the laws of Canada or of Ontario, and having their principal offices in Ontario, and of imposing a tax or license fee higher or greater than the tax or license fee which

Bank tax
on offices.

¹ Geo. V.,
c. 11, s. 4,
subs. 3,
amended.

Insurance
companies.

Tax on
gross
premiums.

Mutual fire
insurance
companies.

On gross
cash
premiums.

Reinsurance
exemption.

Extra-
Provincial
companies
from
countries
discriminat-
ing against
Ontario.

home companies in such state or country are required to pay, the Lieutenant-Governor in Council may direct that any insurance company which is organized in or under the laws of any such country or state, or has its head or principal office therein, and which transacts insurance business in Ontario, shall pay in addition to the tax imposed by clauses (a) and (b) of this subsection, a tax calculated on the gross premiums received by the company or in respect of the business transacted in Ontario during the preceding year, but so that such increase shall not exceed the equivalent of the extra tax or license fee or both imposed in such country or state;

(e) In estimating the amount of the tax payable under this Act by an insurance company every premium which

i. is by the terms of the policy or renewal thereof or otherwise payable in Ontario; or

ii. is paid in Ontario; or

iii. is payable upon or in respect of a risk undertaken in Ontario; or

iv. is payable in respect of insurance of a person or property resident or situate in Ontario at the time of payment, whether such premium is earned wholly or partly in Ontario or elsewhere, and whether the business is transacted in respect of such policy or the payment of such premium is made wholly or partly within Ontario or elsewhere, shall be deemed to be a premium in respect of business transacted in Ontario;

Rev. Stat.,
c. 183.

(f) The chief agent in Ontario under *The Ontario Insurance Act* of an extra-provincial insurance company and every other insurance company shall keep a separate book or set of books in which shall be entered the premiums mentioned in clause e of this subsection, and all other income of the company in respect of business transacted in Ontario, and in default the company shall incur a penalty equal in the case of a life insurance company, to one and one-quarter per cent., and in the case of every other insurance

company

company to one per cent., on the total gross premiums and other gross income of the company.

6. Subsections 15, 16 and 17 of section 4 of *The Corporations Tax Act* as enacted by section 2 of *The Corporations Tax Act, 1914*, and amended by section 2 of the Act passed in the sixth year of His Majesty's Reign, chapter 8, are repealed and the following substituted therefor:

⁴ Geo. V.
c. 11, s. 2,
amended.

15. Every incorporated company, association or club owning or operating or using a race track and holding a race meeting, shall pay in advance before such race meeting for each day of such meeting a tax of \$7,500, where such track is over one-half mile in length or a tax of \$2,500, where such track is not over one-half mile in length.

Tax on
race tracks
and race
meetings.

Provided that the Treasurer may rebate the tax to any company, association or club by an amount equal to one per cent. of the sum or sums given yearly by such company, association or club in purses or stakes to the owners of horses bred in Canada and to horse owners resident in Canada.

- (a) In this subsection the word "race-meeting" shall mean a series of races consisting of running or mixed trotting, pacing or running races for horses.

16. Every incorporated company, association or club owning, operating or using a track for trotting purposes only and holding a race meeting shall pay in advance before such meeting for each day of the meeting a tax of \$10.

Trotting
tracks.

- (a) In this subsection the word "race-meeting" shall mean a series of trotting races for horses.

17. (a) Every incorporated company, association or club to which subsection 15 or subsection 16 applies, shall within two weeks after the close of every such race meeting furnish to the Treasurer of Ontario a detailed statement verified by the affidavit of the President or Secretary-Treasurer of such incorporated company, association or club,

Returns at
close of
meeting.

- (i) Of the moneys received and of the moneys paid out at or in connection with such race meeting;
 - (ii) Of the total amount wagered on the track or tracks of the company, association or club at such race meeting in respect of which such incorporated company, association or club derived any benefit;
 - (iii) The percentage or other portion thereof taken by such incorporated company, association or club;
- (b) Every incorporated company, association or club to which subsection 15 or subsection 16 applies, shall maintain an office at or near its race track and within the Province of Ontario at which at all times shall be kept the minute book, books of account, and vouchers of such incorporated company, association or club and such minute book, books of account and vouchers shall at all times be open to the inspection of the Treasurer of Ontario or his duly accredited representative.
- Penalties.
- (c) Every company, association or club opening or continuing a race meeting on any day in respect of which the tax hereby imposed has not been paid or neglecting to furnish the statement required by clause *a* or to comply with the requirements of clause *b* shall incur a penalty of \$1,000 for every day during which the default continues and every director, manager or secretary of the company, association or club who wilfully authorizes or permits such default shall incur a like penalty but such penalty shall be recoverable only by action at the suit of the Crown or of a private person suing on his own behalf with the written consent of the Attorney-General.
- (d) Where default has been made by any such company, association or club in the payment of the tax imposed by subsection 15 or subsection 16 or in making any return required by this subsection or under
any

any other provision of this Act, or in complying with the provisions of clause *b*, or such company, association or club is violating any statute of Canada or of Ontario, the Provincial Police, acting under the instructions of the Treasurer of Ontario, may stop all racing upon the track of such company, association or club, or the holding of any further race meeting by the company, association or club.

7. Section 12 of *The Corporations Tax Act* is amended by striking out the word "two" in the first line and inserting in lieu thereof the word "three."

Stamp tax
on transfer
of secur-
ities of
corporation.

8. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

CHAPTER 10.

An Act to amend The Mining Tax Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Mining Tax Amendment Act, 1920.*

Rev. Stat.
c. 26, s. 21,
subs. 1,
amended.

2. Subsection 1 of section 21 of *The Mining Tax Act* is amended by striking out the words “to be advertised in four successive issues of *The Ontario Gazette* and in one newspaper” in the eighth and ninth lines and inserting in lieu thereof the words “to be advertised during four weeks in at least four issues of *The Ontario Gazette* and of one newspaper,” and this amendment shall take effect as from the first day of December, 1919.

CHAPTER 11.

An Act to amend The Amusements Tax Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause *b* of section 2 of *The Amusements Tax Act* is amended by adding at the end thereof:—

6 Geo. V, c. 9,
s. 2, cl. *b*,
amended.

“And any hotel, restaurant, dining room or other place where dances are held and an entrance fee is charged or facilities for dancing provided or a performance given during the service of meals or refreshments.”

Dancing
places in
hotels, etc.

2 This Act shall come into force on the day on which it receives the Royal Assent.

Commence-
ment of
Act.

CHAPTER 12.

An Act respecting the Department of Lands, Forests and Mines, and to Establish the Department of Mines.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Department of Mines Act, 1920.*

Name of Department changed to Department of Lands and Forests.

2. The Department of Lands, Forests and Mines shall hereafter be known as the Department of Lands and Forests, and subject to the provisions hereinafter contained, wherever reference is made in any Statute, Order-in-Council or Regulation to the Department of Lands, Forests and Mines, the same shall be read and construed as referring to the Department of Lands and Forests.

Rev. Stat. c. 13, s. 3, amended.

Designation of Ministers.

3.—(1) Section 3 of *The Executive Council Act* is amended by striking out the words “a Minister of Lands, Forests and Mines” and inserting in lieu thereof the words “a Minister of Lands and Forests, a Minister of Mines.”

Salaries.

(2) Section 4 of the said Act is amended by striking out the words “The Minister of Lands, Forests and Mines” in subsection 1 and inserting in lieu thereof the words “The Minister of Lands and Forests” and by adding at the end of the said subsection the words “The Minister of Mines,—\$6,000.”

Salary to date from 24th November, 1919.

4. Upon the appointment of a Minister of Mines in the first instance under the authority of this Act his salary shall be deemed to have accrued and shall be payable as from the 24th day of November, 1919.

Establishment of Department of Mines.

5. The Bureau of Mines as heretofore established in connection with the Department of Lands, Forests and Mines, shall

shall be a separate department of the Government under the name of the Department of Mines, which shall be presided over by the Minister of Mines.

6. Subsections 2 and 4 of section 4 of *The Public Lands Act* are repealed.

Rev. Stat.
c. 28, s. 4,
subs. 2,
repealed.

7. There shall be a Deputy Minister of Mines, who shall be appointed by the Lieutenant-Governor in Council and shall perform such duties in connection with mines, mining lands, and the mining industry and other matters as may be assigned to him by the Lieutenant-Governor in Council or by the Minister, and in the absence of the Minister, or in the case of a vacancy in the office of the Minister, he shall discharge the duties of the Minister with respect to mines, minerals, mining lands and the mining industry and such other matters as may be so assigned to him.

Deputy
Minister of
Mines.

8.—(1) All public lands for mining purposes and for the purposes of the mineral industry and all Regulations made with respect to mines or minerals or mining or mining lands or mining rights, or the mineral industry shall be administered by the Minister of Mines.

Administra-
tion by
Minister of
Mines.

(2) All patents, leases, licenses or other instruments of title, and all agreements, contracts or other writings relating to mines or minerals or mining lands or mining rights or the mineral industry shall be signed and executed by the Minister of Mines.

Execution
of instru-
ments.

(3) All the rights and powers of the Minister of Lands, Forests and Mines under *The Public Lands Act* so far as they relate to mines or minerals or mining lands, or mining rights, or the mineral industry shall be transferred to, and vested in the Minister of Mines.

Powers of
Minister of
Lands,
Forests
and Mines
transferred.

(4) *The Public Lands Act* shall be read as amended in conformity with the provisions of subsections 1 to 3 of this section.

Rev. Stat.
c. 28,
amended.

9.—(1) Wherever in *The Mining Act of Ontario* the terms "Minister" and "Minister of Lands, Forests and Mines" occur the same shall be read and understood as referring to the Minister of Mines, except that where the said terms or either of them occur in

Rev. Stat.
c. 32,
amended.

- (a) the third and fourth lines of the paragraph numbered 2, the first line of the paragraph numbered 3, and the seventh line of the paragraph numbered 5 in section 47;

(b)

- (b) the first line of section 48;
- (c) the second line of clause *d* in section 79;
- (d) the fifth line of subsection 2 of section 112;
- (e) the sixth line of subsection 5 of section 120;
- (f) the fifth line of section 194;

they shall be read and understood as referring to the Minister of Lands and Forests.

Rev. Stat.,
c. 285, s. 7,
amended,
Board of
trustees
of Royal
Ontario
Museum.

10. Section 7 of *The Royal Ontario Museum Act* is amended by striking out the words "Minister of Lands, Forests and Mines" in the first line thereof, and inserting in lieu thereof the words "Minister of Mines."

Administra-
tion of Rev.
Stat. cc. 26,
and 33;
9 Geo. V,
c. 13; Rev.
Stat. c. 250,
4 Geo. V,
c. 15;
and 8 Geo. V,
c. 13, trans-
ferred to
Minister of
Mines.

11. *The Mining Act of Ontario, The Mining Tax Act, The Metal Refining Bounty Act, The Natural Gas Act, 1919, The Natural Gas and Oil Wells Act, The Radium Act, and The Fuel Supply Act*, except so far as the last-named Act relates to wood, and any Regulations made under any of the said Acts, shall be administered by the Minister of Mines, and wherever the terms "the Minister" and "the Minister of Lands, Forests and Mines" occur in any of the said Acts or Regulations they shall be read and understood as referring to the Minister of Mines; and any Regulations made under *The Forest Reserves Act*, so far as they relate to lands for mining purposes or the mineral industry shall be administered by the Minister of Mines.

Regulations
under Rev.
Stat. c. 30.

Departmen-
tal arrange-
ments for
common
service.

12. The officers, clerks and servants of the Department of Lands, Forests and Mines whose duties now require them to render any service to the Bureau of Mines shall continue to render such service to the Department of Mines, subject to such Regulations as may hereafter be made by the Lieutenant-Governor in Council respecting offices to be used in common by the Department of Lands and Forests and the Department of Mines, and the services to be rendered to either of the said Departments by the other of them, and all maps, books, papers, correspondence, records or other matters or things in the Department of Lands and Forests shall be open to and may be examined and used by the Minister of Mines, or the officers and clerks of the Department of Mines, in the discharge of their departmental duties.

Appropria-
tions for
1919-1920.

13.—(1) The appropriations for the year ending 31st October, 1920, made by the Legislature for the Department

of Lands, Forests and Mines shall be available for the Department of Lands and Forests and the Department of Mines in accordance with directions to be made therefor by the Lieutenant-Governor in Council.

(2) All acts, matters and things done or performed by the Honourable Harry Mills as Minister without Portfolio in and about the administration of the Bureau of Mines since the 24th day of November, 1919, and purporting to be done as Minister of Mines, are hereby ratified and confirmed and declared to be legal, valid and binding for all purposes.

Validation
of acts of
Hon. H.
Mills.

14. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

CHAPTER 13.

An Act to amend The Mining Act of Ontario.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Mining Amendment Act, 1920.*

Rev. Stat.
c. 32, s. 2,
cl. c,
amended. **2.** The clause lettered *c* in section 2 of *The Mining Act of Ontario* is amended by adding after the words "Minister of Lands, Forests and Mines" in the fifth line the words "or the Minister of Mines."

Rev. Stat.,
c. 32, s. 47,
par. 2,
amended. **3.**—(1) The paragraph numbered 2 in section 47 of *The Mining Act of Ontario* is amended by striking out the word "Minister" where it occurs in the third line and substituting therefor the words "Minister of Lands and Forests."

Rev. Stat.,
c. 32, s. 47,
par. 3,
amended. (2) The paragraph numbered 3 in the said section is amended by striking out the word "Minister" in the first line and substituting therefor the words "Minister of Lands and Forests."

Rev. Stat.,
c. 32, s. 47,
par. 5,
amended. (3) The paragraph numbered 5 in the said section is amended by striking out the word "Minister" in the last line and substituting therefor the words "Minister of Lands and Forests."

Rev. Stat.,
c. 32, s. 48,
amended. (4) Section 48 of *The Mining Act of Ontario* is amended by striking out the word "Minister" in the first line and substituting therefor the words "Minister of Lands and Forests," and by striking out the words "or for any other reason" in the second line of the said section.

Rev. Stat.,
c. 32, s. 79,
cl. d,
amended. (5) The clause lettered *d* of section 79 of *The Mining Act of Ontario* is amended by striking out the word "Minister" in the second line and substituting therefor the words "Minister of Lands and Forests."

(6)

(6) Subsection 2 of section 112 of *The Mining Act of Ontario* is amended by striking out the word "Minister" in the fifth line and substituting therefor the words "Minister of Lands and Forests." Rev. Stat., c. 32, s. 112, subs. 2, amended.

(7) Subsection 5 of section 120 of *The Mining Act of Ontario* is amended by striking out the word "Minister" in the sixth line and substituting therefor the words "Minister of Lands and Forests." Rev. Stat., c. 32, s. 120, subs. 5, amended.

4. Section 53 of *The Mining Act of Ontario* is repealed and the following substituted therefor: Rev. Stat., c. 32, s. 53, repealed.

53. A licensee shall not in any license year stake out or apply for more than three mining claims on his own license, or more than six claims on behalf of another licensee or other licensees in any one Mining Division, or in territory not included in a Mining Division. Number of claims which may be staked in year.

5. *The Mining Act of Ontario* is amended by adding thereto the following section:— Rev. Stat., c. 32, amended.

68a. Every licensee who stakes out and records a mining claim on his own license shall, within twelve months from the date of recording the claim be entitled to have two assays made for one or the other of the following metals, namely: gold, silver, copper, lead or metallic iron, on forwarding or delivering, charges prepaid, a sample or samples from the mining claim to the Provincial Assayer, Toronto, together with one departmental coupon issued in that behalf for each assay; or upon forwarding or giving two such coupons he may have one assay made for tin or tungsten. Right of free assay by assay office.

6. Subsection 10 of section 78 of *The Mining Act of Ontario* as enacted by section 5 of *The Mining Amendment Act, 1919*, is amended by striking out the words "not more than twenty-five days' labour" and inserting in lieu thereof the words "not more than thirty days' labour." 9 Geo. V. c. 12, s. 5, amended. Cost of survey equivalent to labour in working conditions.

7. Section 107 of *The Mining Act of Ontario* is amended by adding at the end thereof the following words: "except that where the recorded holder of a mining claim or of an interest in a mining claim, being a licensee has, after acquiring such claim or interest, enlisted or enrolled for active service at home or abroad against the King's enemies, payment of" Rev. Stat., c. 32, s. 107, amended.

of the purchase money or first year's rental as the case may be, shall not be required so far as the interest of such holder is concerned, but this exception shall not apply to more than three mining claims for any one recorded holder."

Rev. Stat.
c. 32, s. 194,
amended.

8. Section 194 of *The Mining Act of Ontario* is amended by inserting after the word "had" in the sixth line the words "and the Minister of Mines shall have."

Rev. Stat.
c. 32,
Schedule fees
amended.

9. The Schedule of Fees appended to *The Mining Act of Ontario* is amended

(a) By striking out item number 12 and inserting in lieu thereof,—

"12. For recording each claim staked out by a licensee on his own license\$5.00."

(b) By inserting as item 12a,—

"12a. For recording each claim staked out by a licensee on behalf of another licensee\$10.00."

CHAPTER 14.

An Act respecting the Exportation of Pulp Wood

Assented to June 4th, 1920.

WHEREAS it appears that large quantities of pulp wood in Northern and North-western Ontario have been from time to time destroyed by fire to the great loss of the Province and to the residents of the districts affected; and whereas owing to the lack of labour, capital and satisfactory markets it is not advisable at times to secure the cutting and removal of pulp wood where lumbering and timber operations, prospecting or settlement have greatly increased the fire hazard; and whereas it is expedient to grant to the Lieutenant-Governor in Council the power, where he deems it in the public interest so to do, to suspend the "manufacturing condition" as defined in schedule "B" to *The Crown Timber Act*;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Pulp Wood Export Act*, 1920.

Short title.

2. The Lieutenant-Governor in Council is authorized to suspend the operation of the "manufacturing condition" for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of pulp wood during such period, and from such district or districts without incurring the penalties imposed by Schedule "B" to *The Crown Timber Act*.

Minister authorized to suspend "Manufacturing Condition" as to pulp wood.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

CHAPTER 15.

An Act to amend The Veterans' Land Grant Act.

Assented to June 4th, 1920.

Preamble.

WHEREAS under and by virtue of *The Veterans' Land Grant Act* passed in the first year of the reign of His Late Majesty, King Edward VII, chaptered 6, and amended by the Act passed in the third year of the said reign, chaptered 3, the Act passed in the fourth year of the said reign chaptered 6, the Act passed in the fifth year of the said reign, chaptered 8, the Act passed in the sixth year of the said reign, chaptered 13, the Act passed in the seventh year of the said reign, chaptered 12, and the Act passed in the eighth year of the said reign, chaptered 19, certain public lands were located and granted to the persons for whose benefit the said Act was passed and have since been sold by the original locatees or grantees, and are now being held in an unimproved condition for speculative purposes; and whereas the holding of these lands in an unimproved condition is detrimental to the owners of adjoining lands who are improving their holdings, contributing to the development of the district and adding to the wealth of the Province; and whereas the said lands are held for unreasonable prices by the present owners thereof;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Veterans' Land Grant Amendment Act, 1920.*

Interpretation
"Minister,"

2. In this Act "Minister" shall mean the Minister of Lands and Forests.

1 Edw. VII,
c. 6,
amended.

3. *The Veterans' Land Grant Act* is amended by adding thereto the following sections:

Inspection
and ex-
amination
of lands.

16. Where it is shown to the satisfaction of the Minister that lands in an agricultural district and suited for agricultural purposes, located and granted

granted under this Act to any of the persons named in section 2 have passed out of the ownership of such persons and are being held out of production to the detriment of surrounding lands, the Minister may appoint an officer of the Department of Lands and Forests to make an examination and inspection of such lands to determine whether or not such lands are owned by persons living outside the district in which the lands are situate and who are not the original locatees or grantees.

17. Where the inspector reports that any such lands are owned by persons living outside the district in which the lands are situate who are not the original locatees or grantees, the Minister may cause notice to be given by publication in the *Ontario Gazette* and notice in writing to all persons appearing by the records in the land titles office for the district in which the lands are situated as having an interest in such lands stating that such owner must within a period of one year from the date of the notice become a *bona fide* user or occupant of such lands and in other respects comply with the regulations made under this Act and that in the event of his default in so doing all his right, title and interest in the said lands will revert to the Crown.

Report of
Inspector.

Notice to
owners.
18. If within one year after the publication of such notice in the *Ontario Gazette* the owner fails to become a *bona fide* settler or user of the land in compliance with the regulations made under the authority of section 20, or shows good cause why he should not be required to do so, all his right, title and interest in the said lands shall revert to the Crown, subject to any mortgage or other charges which may exist thereon and such lands may thereafter be sold or otherwise disposed of under the provisions of *The Public Lands Act*, but the owner of such lands shall be entitled to be paid by the Treasurer of Ontario an amount equal to the purchase money received by the Province upon the sale of the lands under this section.

Owner
failing to
comply with
conditions—
forfeiture
to Crown.
19. The declaration of the Minister in *The Ontario Gazette* of the forfeiture of any lands under section 18 shall be final and conclusive as to the facts stated therein.

Declara-
tion as to
forfeiture
to be final.

Regulations.

20. The Lieutenant-Governor in Council may make regulations as provided by *The Public Lands Act*:—

- (a) Prescribing the work to be done and the nature and duration of the occupancy of the lands required by sections 17 and 18, by any person other than the original locatee or grantee of the lands to which this Act applies;
- (b) Fixing the time within which such work may be done and during which such occupancy shall continue;
- (c) Generally for the better carrying out of the provisions of sections 16 to 19.

Application
of Act
limited.

4. This Act shall not apply to lands held at the date of the coming into effect of this Act, by any manufacturing pulp or paper company in the Province of Ontario.

Commence-
ment of
Act.

5. This Act shall come into force and take effect on the 1st day of June, 1920.

CHAPTER 16.

An Act to amend The Returned Soldiers' and Sailors' Land Settlement Act.

Assented to April 21st, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Returned Soldiers' and Sailors' Land Settlement Act* is amended by inserting after the paragraph numbered 11, the following:—

- 11a. Providing for the hearing and determination of complaints of settlers and for the adjustment of grievances and awarding grants in settlement thereof; Regulations. Hearing and determining complaints of settlers.
- 11b. For making grants for the relief of settlers who through illness or accident or other unavoidable cause are in need of assistance; Grants for relief of needy settlers.
- 11c. For the payment of any expenses incurred in carrying out regulations made under paragraphs 11a and 11b and the payment of all costs, charges and awards out of the appropriation mentioned in section 2. Provision for payment.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 17.

An Act to provide for the Extension of the Temiskaming and Northern Ontario Railway.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Temiskaming and Northern Ontario Railway Extension Act, 1920.*

Extension of T. & N.O. railway to James Bay authorized.

2. The Temiskaming and Northern Ontario Railway Commission is authorized and empowered to construct, complete, maintain and operate an extension of the Temiskaming and Northern Ontario Railway from the present northern terminus of the said railway at Cochrane in a northerly direction to a point on James Bay, and to construct, complete, maintain and operate such spurs and branches from the main line of such extension as may be necessary, not exceeding twenty miles in length in any one place, and may exercise the like powers with respect to such spurs or branches as it may exercise with respect to any of the lines heretofore constructed or to be hereafter constructed by the Commission.

Approval of Lieutenant-Governor in Council.

3. The location of the line of such extension and of the branches and the plans of all works proposed shall be subject to the approval of the Lieutenant-Governor in Council.

Cost of works, provision for.

4. The cost of the works authorized by this Act shall be borne and paid out of such sums as may be from time to time appropriated by the Legislature for that purpose and the Lieutenant-Governor in Council may direct that such portions of the sums so appropriated as may be required by the Commission for construction purposes on monthly or other estimates may be placed to the credit of the Commission in the Temiskaming and Northern Ontario Railway account.

5. Except as otherwise provided by this Act, the Temiskaming and Northern Ontario Railway Commission with respect to the line of railway, branches and spurs authorized by this Act, shall have, exercise and perform all the rights, powers and duties imposed upon the Commission by *The Temiskaming and Northern Ontario Railway Act*, with respect to the line of railway, branches and spurs and other works heretofore authorized to be constructed by the Commission, and all the provisions of *The Temiskaming and Northern Ontario Railway Act* and the amendments thereto so far as the same are applicable, shall apply to the works authorized by this Act.

General powers and duties of Commission.

6. The works authorized by this Act shall not be commenced or proceeded with by the Commission until such time as may be fixed by the Lieutenant-Governor in Council and any Order-in-Council made under this section may provide for the construction of the railway hereby authorized in such sections or divisions from time to time as may be deemed proper.

Works not to be proceeded with until directed by Lieutenant-Governor in Council.

CHAPTER 18.

An Act to amend The Power Commission Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short
title.

1. This Act may be cited as *The Power Commission Act, 1920.*

Rev. Stat.
c. 39, s. 8
amended.

2. Section 8 of *The Power Commission Act* is amended by adding thereto the following clause:

Works for
production of
electricity.

(aa) Acquire by purchase, lease or otherwise or construct, erect, maintain and operate works for the production of electrical power or energy by the use of coal, oil or any other means whatsoever.

Rev. Stat.
c. 39
amended.

3. *The Power Commission Act* is amended by adding thereto the following sections:

Approval of
Lieutenant-
Governor
in Council
not required
to certain
contracts.

21a. Notwithstanding anything contained in section 21 it shall not be necessary to obtain the approval of the Lieutenant-Governor in Council to any contract for a supply of electrical power or energy by the Commission to any person from works which the Commission has acquired or constructed and is operating for the distribution of electrical power or energy;

Effect of
approval of
agreements
by
Commission.

21b. Where the Commission has heretofore entered or shall hereafter enter into an agreement for the supplying of electrical power or energy or for any other work or service to be done or supplied by or to the Commission, and such agreement has been or shall hereafter be submitted to and approved by the Lieutenant-Governor in Council such agreement shall thereupon be confirmed and

and be legal, valid and binding upon the parties thereto and shall not be open to question upon any grounds whatsoever, anything in this Act or in any other Act to the contrary notwithstanding.

4. *The Power Commission Act* is amended by adding thereto the following section:

Rev. Stat.
c. 39
amended.

24b. Where the appropriation made by the Legislature for any work of the Commission shall become exhausted in any fiscal year and the chairman reports to the Lieutenant-Governor in Council that it is necessary and expedient that such work shall be proceeded with and that an additional sum is required for that purpose, the Lieutenant-Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required in such fiscal year, and when issued such amount shall be placed by the Treasurer of Ontario to the credit of a special account against which cheques may be issued in favour of the Commission for such amounts as shall be required.

Where appropriation is exhausted special warrant may issue.

5. *The Power Commission Act* is amended by adding thereto the following sections:

Rev. Stat.
c. 39
amended.

PART IIB.

Construction and Operation of Distribution Works in Rural Power Districts.

30e. Subject to the approval of the Lieutenant-Governor in Council, the Commission may enter into a contract with the municipal corporation of a township or with the municipal corporations of two or more townships for the supply and distribution of electrical power or energy in a defined area (hereinafter called a rural power district), including a part of such township or parts of each of such townships, and the Commission may, in pursuance of such contract, construct and operate all works necessary for the transmission of electrical power or energy to the rural power district and for the transforming and distributing of such electrical power or energy

Contracts for construction and operation of distribution works in townships.

energy to the premises of the persons within the rural power district as so defined or as enlarged or altered from time to time by the Commission with the approval of the Lieutenant-Governor in Council and the municipal council or councils.

By-law.

30f. The council of the township or the council of each of such townships party to such contract, may pass a by-law for entering into such contract and may execute the same, and it shall not be necessary to submit any such by-law to the vote of the electors or to comply with any of the other forms required in the case of a by-law passed under Part I of this Act.

Apportionment of cost on annual adjustment.

30g.—(1) The Commission shall annually fix, adjust and apportion the cost of all the works mentioned in section 30e to be borne by each of the municipal corporations entering into such contract.

Amount of contributions by townships.

(2) The total amount for which each of the corporations shall be liable shall include a sum sufficient to provide annually the corporation's proportionate cost of the capital cost of the work so as to form in thirty years a sinking fund for the payment of the amount expended by the Commission on capital account for the acquisition or construction of the works necessary for transmitting, transforming, distributing and delivering electrical power or energy in a rural power district and a further sum sufficient to pay the Commission interest upon the proportionate part of such expenditure to be borne by the corporation, and a further sum to pay the corporation's proportionate part of the line loss and the costs of operating, maintaining, renewing and insuring of such works and of the other charges set out in section 23.

Rates.

30h. The rates to be charged to customers receiving electrical power or energy from the Commission in a rural power district shall be fixed by the Commission from time to time and shall be sufficient to provide the sum necessary to pay all the charges to be borne by the corporation under section 30g.

30i. All the provisions of Part I as to the annual pay-^{Application}ments to be made by the corporations which_{of Part I.} have entered into contracts with the Commission shall apply to a contract entered into under this Part.

30j. Where any person receiving a supply of electrical^{Collection} power or energy in a rural power district is in_{of rates} default of payment of any account due in_{in arrear.} respect of such supply, the Commission may notify the corporation of the municipality in which the premises of the person so in default are situate stating the amount due and such amount shall thereupon be entered upon the collectors' roll of the municipality and collected in the same manner as other taxes.

6. By-law No. 38 of the Corporation of the Town of Port^{By-laws} Colborne; By-law No. 780 of the Corporation of the Town_{confirmed.} of Niagara; By-laws Nos. 796, 808 and 809 of the Corporation of the Town of Carleton Place; By-laws Nos. 320 and 323 of the Corporation of the Town of Alexandria; By-laws 257 and 258 of the Corporation of the Village of Glencoe; By-law No. 461 of the Corporation of the Village of Markham; By-laws Nos. 413 and 414 of the Corporation of the Village of Maxville; By-law No. 634 of the Corporation of the Township of Ancaster; By-laws Nos. 720 and 732 of the Corporation of the Township of London; By-law No. 495 of the Corporation of the Township of Eldon; By-law No. 55 of the Corporation of the Township of Scott; By-laws Nos. 2480 and 2523 of the Corporation of the City of Windsor; By-law No. 721 of the Corporation of the Town of Uxbridge; By-law No. 503 of the Township of Eldon covering the Police Village of Kirkfield; By-law No. 775 of the Corporation of the Village of Port Perry; By-law No. 20 of 1919 of the Township of Artemesia covering the Police Village of Priceville; By-law No. 7 of 1919 of the Corporation of the Village of Lucknow; By-law No. 10 of 1919 of the Corporation of the Village of Teeswater; By-law No. 817 of the Corporation of the Town of Wingham; By-law No. 603 of the Corporation of the Town of Kincardine; By-law No. 448 of the Corporation of the Village of Norwood; By-law No. 269 of the Corporation of the Village of Havelock; By-law No. 565 of the Corporation of the Village of Lakefield; By-law No. 389 of the Corporation of the Village of Lancaster; By-law No. 352 of the Corporation of the Village of Chippawa; By-law No. 1 of 1919 of the Corporation of the Township

of Stamford; By-law No. 2 of 1919 of The Corporation of the Township of Stamford; and all debentures issued or to be issued or purporting to be issued, under any of the said by-laws which authorize the issue of debentures, are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof, respectively, and shall not be open to question upon any ground whatsoever, notwithstanding the requirements of *The Power Commission Act*, or the amendments thereto, or any other Act of this Legislature.

Certain corporations added as parties to contract with Commission.

7. The Municipal Corporation of the Town of Port Colborne, the Municipal Corporation of the Town of Niagara, the Municipal Corporation of the Village of Glencoe, the Municipal Corporation of the Village of Markham, the Municipal Corporation of the Township of Ancaster, the Municipal Corporation of the Township of London, are added as parties of the second part to the contract set out in schedule "A" to *The Power Commission Act, 1909*, as varied, confirmed and amended by the Act passed in the tenth year of the reign of His Late Majesty King Edward VII, chaptered 16 and by subsequent Acts, and by this Act, and the said contract shall be binding upon the parties thereto respectively, as to the Town of Port Colborne from the 22nd January, 1920; as to the Town of Niagara from the 14th April, 1919; as to the Village of Glencoe from the 14th October, 1919; as to the Village of Markham from the 7th March, 1919; as to the Township of Ancaster from the 11th April, 1919; and as to the Township of London from the 10th May, 1919.

Names of municipalities added to Schedule.

8. The names of the said municipalities are added to schedule "B" of the said contract, and such schedule shall be read as containing the particulars set out in schedule "A" to this Act.

Contracts confirmed.

9. The agreements set out in schedules "B," "C," "D," "E," "F," "G" and "H," between the Town of Carleton Place, the Town of Alexandria, the Village of Maxville, the Township of Eldon, the Township of Scott, the Board of Water Commissioners of the Municipal Corporation of the Town of Lindsay, the Municipal Corporation of the Village of Lancaster, and the Commission are hereby confirmed and declared to be legal, valid and binding upon the parties thereto, respectively, and shall not be open to question upon any grounds whatsoever, notwithstanding the requirements of *The Power Commission Act* or amendments thereto or any other Act of this Legislature.

10. The agreements set out in schedules "I," "J" and "K," between the Corporation of the Village of Lakefield, the Corporation of the Village of Havelock, the Corporation of the Village of Norwood, the Corporation of the Town of Uxbridge, the Police Village of Kirkfield, the Village of Port Perry, the Corporation of the Town of Wingham, the Village of Lucknow, the Village of Teeswater, the Police Village of Priceville, the Police Village of Ripley, and the Commission are hereby confirmed and declared to be legal, valid and binding upon the parties thereto, respectively, and shall not be open to question upon any grounds whatsoever, notwithstanding the requirements of *The Power Commission Act* or amendments thereto, or any other Act of this Legislature. Contracts confirmed.

11. This Act shall come into force and take effect on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE "A."

Name of Municipal Corporation.	Quantity of Power Applied for in H.P.	Maximum Price of Power at Niagara Falls.	Number of Volts.	Estimate maximum cost of power ready for distribution in municipality.	Estimate proportionate part of costs to construct transmission line, transfor- mer station and works for nominally 30,000 H.P. with total capacity of 60,000 H.P.	Estimate proportionate part of line loss and of part cost to operate, main- tain, repair, renew and insure trans- mission line, transformer station and works for nominally 30,000 H.P. with total capacity of 60,000 H.P.
Port Colborne	150	....	....	\$21 00	\$8,256 00	\$789 00
Niagara	150	....	....	28 00	16,236 00	1,163 00
Markham	60	....	....	48 62	18,550 00	973 00
Glencoe	75	....	....	78 35	39,804 00	2,312 00
London Tp...	25	....	....	(note)	.....	.....
Ancaster Tp.	50	....	....	25 81	5,089 00	464 00

NOTE.—(Re London Township.)

The cost of power shall be \$21.00 per horse-power, plus cost of transmitting such power from the Commission's nearest high tension station to the point of delivery.

This Agreement dated the 22nd day of January, 1920.

Between

Hydro-Electric Power Commission of Ontario, herein called the "Commission," party of the first part;

and

Municipal Corporation of the Town of Port Colborne, herein called the "Corporation," party of the second part.

Whereas, the City of Toronto and other municipalities named in column 1 of the schedule of the agreement dated 4th May, 1908, hereto attached and marked "A" have agreed with the Commission for a supply of power from Niagara Falls;

And whereas the Corporation under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power, and has passed a By-law No. 38, passed the 26th day of August, 1919, to authorize the execution of an agreement therefor.

Now this indenture witnesseth that in consideration of the premises the Commission agrees to supply to the Corporation one hundred and fifty (150) horse power of electrical power upon the terms and conditions set forth in said agreement of 4th May, 1908, and the Corporation agrees with the Commission upon the said terms and conditions therein set out; Provided that the said terms and conditions may be modified pursuant to Paragraph 11 of the said agreement, but subject to such modifications, the Corporation shall be deemed to have been a party to the said agreement, and

the

the figures set forth in the columns of the schedule of the said agreement hereto attached opposite the name of the Town of Port Colborne shall be deemed to have been inserted therein at the date thereof.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Sgd.) I. B. LUCAS, *Vice-Chairman*,
(Seal)
(Sgd.) W. W. POPE, *Secretary*.

CORPORATION OF THE TOWN OF PORT COLBORNE.

(Sgd.) A. D. CROSS, *Mayor*.
(Seal)
(Sgd.) DAVE ALAIR, *Clerk*.

This Indenture made the 4th Day of May, 1908.

Between

The Hydro-Electric Power Commission of Ontario, acting herein on its own behalf and with the approval of the Lieutenant-Governor in Council (hereinafter called the Commission), party of the first part;

and

The Municipal Corporations of Toronto, London, Guelph, Stratford, St. Thomas, Woodstock, Berlin, Galt, Hespeler, St. Mary's, Preston, Waterloo, New Hamburg, and Ingersoll (hereinafter called the Corporations), parties of the second part.

Whereas, pursuant to an Act to provide for transmission of electrical power to municipalities, the Corporations applied to the Commission to transmit and supply such power from Niagara Falls, and the Commission entered into contracts, hereto attached, with the Ontario Power Company of Niagara Falls (hereinafter called the Company), for such power at the prices set forth in the schedule, hereto attached, and the Commission furnished the Corporations with estimates, as shown in the schedules of the total cost of such power, ready for distribution within the limits of the Corporations, and the electors of the Corporations assented to By-laws authorizing the Corporations to enter into a contract with the Commission for such power, and the Commission have estimated the line loss and the cost to construct, operate, maintain, repair, renew and insure a line to transmit, nominally, 50,000 horse power with total capacity of 60,000 horse power of such power to the Corporations, and have apportioned the part of such cost to be paid by each Corporation as shown in said schedule;

Now, therefore, this indenture witnesseth that in consideration of the premises and of the agreements of the Corporations herein set forth, subject to the provisions of said Act of the said contracts, the Commission agrees with the Corporations respectively:—

1.—(a) To construct a line to transmit the quantities of electric power, shown in column 2 of the said schedule, from Niagara Falls to the Corporations shown in column 1, respectively.

(b) On the 1st day of May, 1920, or on any earlier day on which the Commission shall be prepared to supply the same, to supply
said

said power in quantities set forth in column 2 of said schedule, or as a minimum 40 per cent. less, if written notice of minimum required is given on or before 19th July, 1909, to the Corporations within the limits thereof, ready for distribution at approximately the number of volts set forth in column 4 of said schedule, and approximately 25 cycles per second frequency.

(c) At the expiration of three months' written notice, which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each, additional power until the total amount so supplied shall amount to 30,000 horse power.

(d) At the expiration of nine months' like notice which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each, additional power until the total amount so supplied shall amount to 100,000 horse power.

(e) To use at all times first-class, modern, standard, commercial apparatus and plant and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporations.

In consideration of the premises and of the agreements herein set forth each of the Corporations for itself, and not one for the other, agrees with the Commission:—

2.—(a) Subject to the provisions of paragraph 2 (g), hereof, to pay the Commission for the quantities of power shown in column 2 of said schedule, or 40 per cent. less as a minimum, to be supplied at said date, and for such additional power supplied or held in reserve upon such notices, the price set forth in column 3 of said schedule in twelve monthly payments, in gold coin of the present standard of weight and fineness, and bills shall be rendered by the Commission on or before the fourth and paid by the Corporation on or before the fifteenth of each month. If any bill remains unpaid for 15 days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of such power to the Corporations in default until said bill is paid. No such discontinuance shall relieve the Corporation in default from the performance of covenants, provisos, and conditions therein contained. All payments in arrears shall bear interest at the legal rate.

(b) To take electric power exclusively from the Commission during the continuance of this agreement; provided, if the Commission is unable to supply said power as quickly as required, the Corporations may obtain the supply otherwise until the Commission has provided such supply, thereupon the Corporations shall immediately take from the Commission; and the Corporations may generate, store or accumulate electric power for emergencies, or to keep down the peak load of the power taken from the Commission; and nothing herein contained shall affect existing contracts between the Corporations and other parties for a supply of electric power, but the Corporations shall determine said contracts at the earliest date possible.

(c) To pay, annually, interest upon its proportionate part of the moneys expended by the Commission on capital account for the construction of the said line, transformer stations and other necessary works, shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 10.

(d) To pay an annual sum for its proportionate part of the cost of the construction of said line, stations and works, shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph

paragraph 10, so as to form in thirty years a sinking fund for the retirement of the securities to be issued by the Province of Ontario.

(e) To bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said line, stations and works, shown, respectively, in column 7 of said schedule, subject to adjustment under paragraph 10.

(f) To keep, observe and perform the covenants, provisos and conditions set forth in said contracts, intended by the Commission and the Company to be kept and observed and performed by the Corporations.

(g) To pay for three-fourths of the power supplied and held in reserve at said date and upon said notices, whether the said power is taken or not, and when the greatest amount of power taken for twenty consecutive minutes in any month shall exceed three-fourths of the amount during such twenty consecutive minutes, so supplied and held in reserve, to pay for this greater amount during that entire month. When the power factor of the greatest amount of power taken for said twenty minutes falls below 90 per cent. the Corporations shall pay for 90 per cent. of said power divided by the power factor.

(h) To take no more power than the amount to be supplied and held in reserve at said date and upon said notices.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and the Company.

3. If, as therein provided, the said contracts are continued until 19th December, 1939, this agreement shall remain in force until that date.

4. Said power shall be three-phase, alternating, commercially continuous twenty-four hour power every day of the year except as provided in paragraph 6 hereof, and shall be measured by curve-drawing meters, subject to test as to accuracy by either party hereto.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporations, and take records at all reasonable times on giving to the Corporation six hours' notice of the intention to make such inspection. The Corporations shall have a like right on giving a like notice to inspect the apparatus, plant and property of the Commission.

6. In case the Commission or the Company shall at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporations shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, riot, fire, invasion, explosion, act of God or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such time and the Corporations shall not be bound to pay the price of said power at Niagara Falls during such time, but the Corporations shall continue to make all other payments, but as soon as the cause of such interruption is removed the Commission shall without any delay supply said power as aforesaid and the Corporations shall take the

same

same and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporations as liquidated and ascertained damages and not by way of penalty, as follows:— For any interruption less than one hour, double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more, the amount payable for the power which should have been supplied during the time of such interruption and twelve times the last mentioned amount in addition thereto, and all moneys payable under this paragraph when the amount thereof is settled between the Commission and the Company may be deducted from any moneys payable by the Corporations to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporations, their agents, customers, apparatus, appliances and circuits.

9. In case any municipal corporation, or any person, firm or corporation which shall contract with the Commission or with any municipal corporation for a supply of power furnished to the Commission by the Company shall suffer damages by the act or neglect of the Company, and such municipal corporation, person, firm or corporation would, if the Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceeding or bring such action for or on behalf of such municipal corporation, person, firm, or corporation, and notwithstanding any acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such municipal corporation, person, firm or corporation, including the right to recover such damages, but no action shall be brought by the Commission until such municipal corporation, person, firm or corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceeding or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation, shall not be hereby prejudiced.

10. The Commission shall at least annually adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

11. If at any time, any other municipal corporation, or pursuant to said Act, any railway or distributing company or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporations, parties hereto, in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply

supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporations, parties hereto, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporations, parties hereto, will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. No power shall be supplied by any municipal corporation to any railway or distributing company, or any other corporation or person without the written consent of the Commission.

12. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

13. Each of the Corporations agrees with the other:—

(a) To take electric power exclusively from the Commission during the continuance of this agreement, subject to the provisions above set forth in paragraph 2 (b).

(b) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

14. If differences arise between the Corporations, the Commission may upon application fix a time and place to hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

15. This agreement shall extend to, be binding upon and enure to the benefit of, the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporations have, respectively, affixed their corporate Seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
Commissioners.

SCHEDULE.

Column 1.	2.	3.	4.	5.	6.	7.
Name of Municipal Corporation.	Quantity of power applied for in H.P.	Maximum price of power at Niagara Falls.	No. of volts.	Estimate maximum cost of power ready for distribution in municipality.	Estimate proportionate part of cost to construct transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.	Estimate proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H.P. with total capacity of 60,000 H.P.
Toronto.....	10,000	or 25,000 H.P. until \$10.40 for power at 60,000 volts until 25,000 H.P. or more are taken, then \$10.00 for all. If power taken at higher voltage, price to be fixed by arbitration.	Number required by each corporation.	\$18 10	\$828,080	\$38,970
London.....	5,000			23 50	671,089	31,578
Guelph.....	2,500			24 00	347,420	16,350
Stratford.....	1,000			27 10	173,580	8,120
St. Thomas...	1,500			26 50	244,140	11,490
Woodstock....	1,200			23 00	155,350	7,310
Kitchener.....	1,000			24 00	138,970	6,540
Galt.....	1,200			22 00	143,920	6,773
Hespeler.....	300			26 00	63,200	2,974
St. Mary's....	500			29 50	95,677	4,502
Preston.....	600			23 50	80,530	3,789
Waterloo.....	685			24 50	98,460	4,630
New Hamburg	250			29 50	47,830	2,251
Ingersoll.....	500			24 00	69,485	3,270
Port Colborne.	150			21 00	8,256	789

SCHEDULE "B."

This Indenture, made in duplicate the 15th day of April in the year of our Lord one thousand nine hundred and nineteen (1919).

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part,

and

The Municipal Corporation of the Town of Carleton Place, hereinafter called the "Corporation," party of the second part.

Whereas, the Corporation under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a By-law No. 796, passed the 6th day of January, to authorize the execution of an agreement therefor;

And

And whereas in accordance with powers conferred by Legislature, upon the Commission by the said Act and amendments thereto, the Commission intends either to purchase, acquire or construct generating stations, hydraulic plants, lines, sub-stations and all works in connection therewith required for the purpose of supplying power hereunder, or to enter into an agreement with one or more power generating companies or individuals for a supply of power required hereunder, and to construct the necessary stations, plant, lines and equipment to transmit, transform and deliver power to the Corporation;

Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date eight hundred (800) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical energy or power taken), of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, purchasing of power and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c)

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(f) To take and use the three-phase power at all times in such manner that the power factor, i.e., the ratio of the kilowatts to the kilovolt-amperes is a maximum, but, in any event, the corporation shall pay for 90 per cent. of the maximum kilovolt amperes considered as true power factor or kilowatts. The maximum in kilovolt-amperes or kilowatts shall be taken as the maximum average or integrated demand over any twenty consecutive minutes.

(g) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(h) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost, neither shall there be any discrimination as regards price and quantity.

9. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have
respectively

respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Sgd.) A. BECK, *Chairman*.

(Seal)

(Sgd.) W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWN OF CARLETON
PLACE.

(Sgd.) R. W. BATES, *Mayor*.

(Seal.)

(Sgd.) A. R. G. PEDEN, *Clerk*.

SCHEDULE "C."

This Indenture, made in duplicate the 26th day of January, in the year of our Lord, one thousand nine hundred and twenty (1920).

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part,

and

The Municipal Corporation of the Town of Alexandria, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a by-law No. 320, passed the first day of December, 1919, to authorize the execution of an agreement therefor.

And whereas in accordance with the powers conferred by Legislature, upon the Commission by the said Act and amendments thereto, the Commission intends either to purchase, acquire or construct generating stations, hydraulic plants, lines, sub-stations and all works in connection therewith required for the purpose of supplying power hereunder, or to enter into an agreement with one or more power generating companies or individuals for a supply of power required hereunder, and to construct the necessary stations, plant, lines and equipment to transmit, transform and deliver power to the Corporation;

Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:—

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date three hundred (300) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c)

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical energy or power taken), of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, purchasing of power and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of
twenty

twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(f) To take and use the three-phase power at all times in such manner that the power factor, i.e., the ratio of the kilowatts to the kilo-volt-amperes is a maximum, but, in any event, the Corporation shall pay for 90 per cent. of the maximum kilo-volt-amperes considered as true power factor or kilowatts. The maximum in kilo-volt-amperes or kilowatts shall be taken as the maximum average or integrated demand over any twenty consecutive minutes.

(g) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(h) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard

regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost, neither shall there be any discrimination as regards price and quantity.

9. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Sgd.) I. B. LUCAS, *Vice-Chairman*.

(Seal)

(Sgd.) W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE VILLAGE OF
ALEXANDRIA.

(Sgd.) GEO. SIMON, *Mayor*.

(Seal)

(Sgd.) S. MACDONELL, *Clerk*.

SCHEDULE "D."

This Indenture, made in duplicate the 26th day of January in the year of our Lord, one thousand nine hundred and twenty (1920).

Between

The Hydro-Electric Power Commission of Ontario hereinafter called the "Commission," party of the first part,

and

The Municipal Corporation of the Village of Maxville, herein after called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a By-law No. 413, passed the 12th day of January to authorize the execution of an agreement therefor;

And whereas in accordance with the powers conferred by Legislature upon the Commission by the said Act and amendments thereto, the Commission intends either to purchase, acquire, or construct generating stations, hydraulic plants, lines, substations and all works in connection therewith required for the purpose of supplying power hereunder, or to enter into an agreement with one or more power generating companies or individuals for a supply of power required hereunder, and to construct the necessary stations, plant, lines and equipment to transmit, transform and deliver power to the Corporation.

Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date seventy-five (75) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments interest upon its proportionate part (based on the quantity of electrical

trical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract;

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, purchasing of power and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario;

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause (2) (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(f) To take and use the three-phase power at all times in such manner that the power factor, i.e., the ratio of the kilowatts to the kilovolt-amperes is a maximum, but, in any event, the Corporation shall pay for 90 per cent. of the maximum kilovolt amperes considered as true power factor or kilowatts. The maximum in kilovolt-amperes or kilowatts shall be taken as the maximum average or integrated demand over any twenty consecutive minutes.

(g) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission and to exercise all due skill and diligence so as to secure satisfactory operation

operation of the plant and apparatus of the Commission and of the Corporation.

(h) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission and in all respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power

power shall be supplied by the municipal corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost, neither shall there be any discrimination as regards price and quantity.

9. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their Corporate Seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd.) I. B. LUCAS, *Vice-Chairman*.
(Seal.)

(Sgd.) W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE VILLAGE OF MAXVILLE.

(Sgd.) A. H. ROBERTSON, *Reeve*.
(Seal.)

(Sgd.) J. W. WEEGAR, *Clerk*.

SCHEDULE "E."

This agreement made this 28th day of November, A.D. 191 .

Between

The Hydro-Electric Power Commission of Ontario, herein called the "Commission," party of the first part,

and

The Municipal Corporation of the Township of Eldon, herein called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, the Corporation has applied to the Commission for a supply of power;

And whereas the Corporation under the provisions of *The Power Commission Act* and amendments thereto and *The Power Commission Act of 1911*, being an Act to provide for the local distribution of electrical power, has, at the request of a number of ratepayers (petitioners) applied to the Commission for a supply of electrical power or energy, and has passed a by-law No. 495 to authorize the execution of an agreement therefor.

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation set forth,
subject

subject to the provisions of the said Act and amendments, the Commission agrees with the Corporation:—

(a) To reserve and deliver at the earliest possible date electrical power to the Corporation as required by the Corporation.

(b) At the expiration of thirty (30) days' notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power as may be required from time to time.

(c) To use at all times first class, modern, standard commercial apparatus and plant, and to exercise due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporation.

(d) Power shall be delivered to the Corporation at approximately 2,200 or 4,000 volts, or at any other primary voltage that may be available for the Corporation's use.

(e) To supply and construct all 2,200, 4,000 or other lines at primary voltage made necessary by contracts for electric service made between the Corporation and residents or users, within the township, from the Commission's transformer station or stations to the service transformers of the Corporation, located at such points as the Commission may approve.

2. In consideration of the premises and of the covenants and agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to give notice as specified in paragraph 1 (b).

(b) Subject to the provisions of paragraph 2 (g) herein, to pay to the Commission monthly, for all power taken, including the charges in connection with the delivery of the power to the municipality as outlined in clauses 2 (c) and (d).

(c) To pay annually, in twelve monthly instalments, interest upon its proportionate part of the moneys expended by the Commission on capital account for the construction of lines, transformer stations and other necessary works for the delivery of power to the Corporation; to pay an annual sum for its proportionate part of the cost of the said construction, so as to form in thirty years a sinking fund for the retirement of the securities issued by the Province of Ontario; and to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said lines, stations and works. All payments under this paragraph shall be subject to adjustment under paragraph 7.

(d) In addition to the cost of power, and the cost of delivering it to the Corporation as provided for in paragraphs 2 (b) and (c), to pay to the Commission in half yearly instalments, interest and sinking fund on a thirty year basis on all capital invested by the Commission in 2,200, 4,000 or other lines of primary voltage as provided for in paragraph 1 (e), and to maintain, repair and operate the said lines, and set aside a fund for renewals at a rate to be fixed by the Commission, on all capital expended by the Commission on such construction.

(e) The amounts payable in accordance with clause 2 (b), (c) and (d) shall be paid in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall

shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month, except that payments under clause 2 (d) shall be made half yearly. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(f) To take power exclusively from the Commission during the continuance of this agreement.

(g) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the Corporation shall pay for this greater amount of power during the entire month. The taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below ninety per cent. (90%), the Corporation shall pay for ninety per cent. (90%) of the maximum kilovolt-amperes (considered as true power or kilowatts) when that amount is in excess of the maximum kilowatts taken. The maximum in kilowatts or kilovolt-amperes shall be taken as the maximum average or integrated demand over any twenty (20) consecutive minutes.

(h) To use at all times first-class, modern standard commercial apparatus and plant to be approved by the Commission and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and of the Company.

(i) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

3. The power shall be three phase, alternating commercially continuous twenty-four hour power every day of the year except as provided in paragraph 5, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for distribution within the municipality.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery, and shall be subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery to the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution

distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

4. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement, to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

5. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lockout, fire, invasion, explosion, act of God or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time.

6. The Commission shall at least annually adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations, as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

9. If differences arise between corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner when possible, adjust such differences and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act respecting Enquiries Concerning Public Matters*.

10. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

11. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power hereunder.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Sgd.) A. BECK, *Chairman*.

(Seal)

(Sgd.) W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWNSHIP OF ELDON,

(Sgd.) D. A. McFADGEN, *Reeve*.

(Seal)

(Sgd.) R. C. McKAY, *Clerk*.

SCHEDULE "F."

This Agreement made this 16th day of December, A.D. 1919.

Between

The Hydro-Electric Power Commission of Ontario, herein called the "Commission," party of the first part;

and

The Municipal Corporation of the Township of Scott, herein called the "Corporation," party of the second part

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, the Corporation applied to the Commission for a supply of power;

And whereas the Corporation under the provisions of *The Power Commission Act* and amendments thereto and *The Power Commission Act of 1911*, being an Act to provide for the local distribution of electrical power, has, at the request of a number of ratepayers (petitioners) applied to the Commission for a supply of electrical power or energy, and has passed a by-law No. 55 December 15th, 1919, to authorize the execution of an agreement therefor.

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation set forth, subject to the provisions of said Act and amendments, the Commission agrees with the Corporation:—

(a) To reserve and deliver at the earliest possible date electrical power to the Corporation as required by the Corporation.

(b) At the expiration of thirty (30) days notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power as may be required from time to time.

(c) To use at all times first class, modern, standard, commercial apparatus and plant, and to exercise due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporation.

(d) Power shall be delivered to the Corporation at approximately 2,200 or 4,000 volts, or at any other primary voltage that may be available for the Corporation's use.

(e)

(e) To supply and construct all 2,200, 4,000 or other lines at primary voltage made necessary by contracts for electrical service made between the Corporation and residents or users, within the township, from the Commission's transformer station or stations to the service transformers of the Corporation, located at such points as the Commission may approve.

2. In consideration of the premises and of the covenants and agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement, so as to be able to give notice as specified in paragraph 1 (b).

(b) Subject to the provisions of paragraph 2 (g) herein, to pay to the Commission monthly, for all power taken, including the charges in connection with the delivery of the power to the municipality as outlined in clauses 2 (c) and (d).

(c) To pay, annually, in twelve monthly instalments interest upon its proportionate part of the moneys expended by the Commission on capital account for the construction of lines, transformer stations and other necessary works for the delivery of power to the Corporation; to pay an annual sum for its proportionate part of the cost of the said construction, so as to form in thirty years a sinking fund for the retirement of securities issued by the Province of Ontario; and to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said lines, stations and works. All payments under this paragraph shall be subject to adjustment under paragraph 7.

(d) In addition to the cost of power, and the cost of delivering it to the Corporation as provided for in paragraphs 2 (b) and (c), to pay to the Commission in half yearly instalments, interest and sinking fund on a thirty year basis on all capital invested by the Commission in 2,200, 4,000 or other lines of primary voltage as provided for in paragraph 1 (e), and to maintain, repair and operate the said lines, and set aside a fund for renewals at a rate to be fixed by the Commission, on all capital expended by the Commission on such construction.

(e) The amounts payable in accordance with clauses 2 (b), (c) and (d) shall be paid in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month, except that payments under clause 2 (d) shall be made half yearly. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(f) To take power exclusively from the Commission during the continuance of this agreement.

(g) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and

and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the Corporation shall pay for this greater amount of power during the entire month. The taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below ninety per cent. (90%), the Corporation shall pay for ninety per cent. (90%) of the maximum kilovolt-amperes (considered as true power or kilowatts) when that amount is in excess of the maximum kilowatts taken. The maximum in kilowatts or kilovolt-amperes shall be taken as the maximum average or integrated demand over any twenty (20) consecutive minutes.

(h) To use at all times first class, modern, standard, commercial apparatus and plant to be approved by the Commission and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and of the Company.

(i) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

3. The power shall be three phase, alternating commercially continuous twenty-four hour power every day of the year except as provided in paragraph 5, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for distribution within the municipality.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery, and shall be subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery to the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

4. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement, to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

5. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lockout, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation

tion shall not be bound to pay the price of said power, during such time.

6. The Commission shall at least annually adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

9. If differences arise between corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner when possible, adjust such differences and such adjustment shall be final.

The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

11. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power hereunder.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(SEAL.)

I. B. LUCAS, *Vice-Chairman*.

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWNSHIP OF SCOTT.

ALEXANDER NOBLE, *Reeve*.

WM. B. WEBSTER, *Clerk*.

(SEAL.)

THE

THE TOWNSHIP OF SCOTT.

By-Law No. 55.

A by-law authorizing the execution of agreement with the Hydro-Electric Power Commission of Ontario to furnish to the township electric power.

Whereas a petition for power has been received from Mr. Jacob R. Meyers, lot number 23, concession three and others of this Township of Scott.

Therefore the reeve and clerk are hereby authorized to execute agreement between this Township of Scott and the Hydro-Electric Power Commission of the Province of Ontario for power for those and other petitioners who may apply for power.

Passed in open council this fifteenth day of December, A.D. 1919.

ALEXANDER NOBLE, *Reeve*.

(SEAL.)

WM. B. WEBSTER, *Clerk*.

SCHEDULE "G."

This indenture made in duplicate the tenth day of June, in the year of our Lord, nineteen hundred and nineteen,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part,

and

The Board of Water Commissioners of the Municipal Corporation of the Town of Lindsay, hereinafter called the "Customer," party of the second part.

Whereas the Commission, acting under *The Power Commission Act*, R.S.O., 1914, chapter 34, has available sufficient electrical power or energy for the purpose of this agreement;

And whereas the Customer has applied to the Commission for a supply of electrical power or energy;

And whereas the Customer is operating a pumping station in the Town of Lindsay, Province of Ontario, with head office at Lindsay, Ontario;

Now therefore this indenture witnesseth that in consideration of the premises and of the agreements of the parties hereto each agrees with the other as follows:—

1. The Commission agrees:

(a) To reserve for and deliver to the Customer one hundred (100) horsepower of electrical power or energy at the point of delivery, hereinafter specified, beginning on the first day of June, 1918, and extending for the period of this agreement.

(b) To reserve for and deliver to the Customer additional horsepower in blocks of twenty-five (25) h.p. each, after the expiration of sixty days' notice in writing, up to a maximum of two hundred (200) h.p.

(c)

(c) To use at all times first class, modern standard commercial apparatus and plant and to exercise all due skill and diligence so that the service rendered to the Customer hereunder shall be satisfactory.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year, except as provided for herein, at the point of delivery, herein defined as the primary terminals of the Customer's transformers in Lindsay, Ontario.

2. The Customer agrees:

(a) To use all diligence by every lawful means in his power to prepare for the receipt and use of the power covered by this agreement, so as to be able to receive power on the date herein set forth.

(b) To pay to the Commission for all power used or held in reserve in monthly payments in gold coin at Lindsay under the following schedule or rate:—

Service charges:—

Ninety cents (90c.) per month per h.p. of maximum demand;

plus

Consumption charges of:—

Two and one-tenth cents (2.1c.) per kilowatt hour (E.W.H.) for all consumption up to the first 50 hours' monthly use of maximum demand;

One and four-tenth cents (1.4c.) per K.W.H. for the next 50 hours' monthly use of maximum demand;

and each month's service charge to be computed as though the maximum amount taken during that month had been taken for the whole month, save that paragraph (d) hereof shall govern the minimum and that this paragraph shall be subject to the stipulations of clauses 5 (b) and (d).

The amount of power taken or held in reserve under this agreement shall be taken as the maximum average amount of power taken for any ten consecutive minutes (the 10 minute integrated demand) as shown by meter.

From the gross bill, computed as above, will be allowed the following discount:—

A "prompt payment" discount of ten per cent. (10%) if the bill is paid by the date set forth hereunder.

(c) To take power exclusively from the Commission of the term of this agreement, and not to sell or dispose of said power, or any part thereof, directly or indirectly, without the written consent of the Commission.

(d) If the customer during any month takes more than the amount of power ordered and held in reserve for him for ten (10) consecutive minutes the taking of such excess power shall thereafter constitute an obligation on the part of the Customer to pay service charge for, and on the part of the Commission to hold in reserve such increased quantity of power in accordance with the terms and conditions of this agreement, as long as this greater amount does not exceed the maximum hereunder, provided that all power used in excess of the amount held in reserve if used for fire purposes shall be paid for during the month in which it is used but shall not be considered as establishing a new maximum demand to govern future minimum payments.

(e) At all times to take and use the three phase power in such a manner that the current will be taken equally from the three phases and in no case shall the difference between any two phases be greater than ten per cent. (10%).

(f)

(f) At all times so to take and use the three phase power that the ratio of the kilowatts to the kilovolt amperes is a maximum, but in any event the Customer shall pay for at least ninety per cent. (90%) of the maximum kilovolt-amperes considered as true power or kilowatts. The maximum demand in kilovolt-amperes or kilowatts shall be taken as the maximum average or integrated demand over any ten consecutive minutes.

One horsepower is defined as 0.746 kilowatts.

One kilowatt is defined as the product of the instantaneous current, voltage and power factor of the load as shown by a standard polyphase wattmeter and divided by 1,000.

One kilovolt-ampere is defined as the product of the simultaneous average current per phase times the average voltage between phases, times 1.732 and divided by 1,000.

For the purpose of this agreement, the kilovolt-amperes may be determined either directly by current and voltage measurements or by the power factor as may be approved by the Commission.

The power factor is defined as the kilowatts divided by kilovolt-amperes.

(g) Bills shall be rendered by the Commission to the Customer on or before the fifth day, and paid by the Customer on or before the fifteenth day of each calendar month.

If any bill remains unpaid for thirty (30) days after the date thereof the Commission may, in addition to all other remedies, and without notice, discontinue the supply of power to the Customer until the said bill is paid and no such discontinuance by the Commission shall relieve the Customer from the performance of the covenants, provisions and conditions herein contained.

All payments in arrears shall bear interest at the legal rate.

(h) To use at all times modern, standard commercial apparatus and plant to be approved by the Commission from time to time and so to operate and conduct the plant and apparatus as to cause minimum disturbance or fluctuations to the Commission's supply and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of both the Commission and the Customer.

(i) Should it be expedient or necessary for the Commission in order to deliver power hereunder, to construct, install or build poles, lines, cables, transformers, switches or other appliances or devices on, over or through the property of the Customer, or on, over or through any other adjoining property, the Customer hereby agrees to supply and arrange for such necessary rights-of-way free of cost and satisfactory to the Commission for the life of this agreement or renewals thereof, and for thirty (30) days thereafter, so that the Commission may build, erect, construct, operate, repair, maintain and remove any of said apparatus or devices belonging to the Commission.

(j) The Customer shall erect a substation approved by the Commission and shall supply, install and operate the electrical equipment therein as instructed by the Commission.

3. The power delivered hereunder shall be alternating three phase having a periodicity of approximately four thousand volts between phase wires, subject to normal variations in both frequency and voltage not to exceed five per cent. (5%).

4.—(a) Measurement of the power held in reserve or taken by the Customer

Customer hereunder shall be made by means of a standard poly-phase integrating demand watt-hour meter, and other meters as required, so arranged as to accurately measure and record the power taken by the customer.

(b) The point of measuring the power covered by this agreement shall be as near as possible to the point of delivery, and the instruments, with the necessary current and potential transformers for the measurement of power hereunder shall be provided, installed and maintained correct by the Commission.

Records from said meters shall be on file with the Commission and shall be available to the Customer for inspection at all reasonable times.

(c) Whenever the said measuring instruments are connected at other than the point of delivery their reading shall be subject to a correction and shall be corrected to give a reading such as would be obtained by instruments connected at the point of delivery. Such correction shall be based upon tests or calculations by the Commission.

(d) Should the point of measurement be located on the premises of the Customer no rental charge shall be made to the Commission for the location of said instruments, transformers or other equipment on the Customer's premises.

(e) Access to said instruments and transformers belonging to the Commission shall be free to the Commission at any and all times and the Commission may test, calibrate or remove said measuring instruments and transformers at any reasonable time, but when possible the customer shall be advised at least seven days in advance of the Commission's intention to re-calibrate, remove or change the measuring instruments.

(f) The Customer shall have the right to test any such measuring instruments in the presence of a representative of the Commission by giving to the Commission seven days' previous notice in writing of its desire to test such measuring instruments.

(g) The Commission shall repair or replace and re-test defective meters or measuring equipment within a reasonable time, but during the time there is no meter in service, it shall be assumed that the power consumed is the same as for other days of the same month on which a similar load existed.

(h) The Customer shall be responsible for any damage to the property or apparatus furnished by the Commission for the purpose of supplying or measuring power hereunder and installed on the Customer's property, providing such damage originates from a source external to the said apparatus of the Commission, and is not due to defect in the apparatus of the Commission.

5.(a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery shall constitute the supply of power involved herein and a fulfilment of all the operating obligations hereunder, and when the voltage and the frequency are so maintained the amount of power, its fluctuations, load factor, power factor, distribution as to phases, and all other characteristics and qualities are under the sole control of the Customer, his agents, apparatus, appliances and circuits.

(b) In case the Commission shall at any time or times be prevented from delivering said power or any part thereof by strikes, lockouts, riot, fire, invasion, explosion, act of God, the King's enemies, or any other cause or causes reasonably beyond its control, then the Commission shall not be bound to deliver such power during such time and the Customer shall not be bound to pay for such power during such time.

(c) The Commission shall be prompt and diligent in removing the cause of such interruption, and as soon as the cause of such interruption

interruption is removed the Commission shall, without delay, deliver the said power as aforesaid, and the Customer shall take and use the same.

(d) It is further agreed hereby that the Commission shall have the right at reasonable times, and when possible after due notice has been given to the Customer to discontinue the supply of power to the Customer for the purpose of safeguarding life or property, or for the purpose of making repairs, renewals or replacements to the lines or apparatus of the Commission, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Customer.

Such interruptions shall not release the Customer from his obligations to pay for or resume the use of power when service is restored.

6. A representative or engineer of the Commission appointed for this purpose, may, at any reasonable time during the continuance of this agreement, have access to the premises of the Customer for the purpose of inspecting the electrical apparatus, plant or property of the Customer and to take records therefrom as required.

7. It is mutually agreed:—

That in case of any dispute arising between the parties hereto relative to the fulfilment of any of the terms, provisos or conditions of this agreement, or as to the method or accuracy of the measurement of power, or any other question which may arise under this agreement, the same shall be promptly referred to arbitration under *The Arbitration Act*, and the finding of said arbitrator or arbitrators shall be final and binding upon both parties hereto.

8. This agreement shall be binding upon both parties hereto for a period of five (5) years, beginning on the day and date when power is first taken hereunder, and this agreement will be considered as being automatically renewed from year to year thereafter, unless notice of cancellation is given by either party hereto to the other one month before the expiration of the first period or any succeeding yearly period.

9. The Commission shall be entitled at the termination of this agreement, or any extension thereof, or within thirty (30) days thereafter, to remove from the Customer's premises any and all plant or equipment which may have been installed by the Commission for the supply or measurement of power hereunder.

10. This agreement shall extend to, and be binding upon and enure to the benefit of the successors and assigns of the parties hereto respectively.

In witness whereof the parties hereto have affixed their seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(SEAL.)

A. BECK.

W. W. POPE, *Secretary*.

Witnesses:

.....
.....

THE BOARD OF WATER COMMISSIONERS OF THE
MUNICIPAL CORPORATION OF THE TOWN OF
LINDSAY.

(SEAL.)

T. J. BRADY.

D. RAY.

O. W. YOUNG.

Approved:

.....
District Manager.

SCHEDULE

SCHEDULE "H."

This Indenture made in duplicate the 10th day February, in the year of our Lord, one thousand nine hundred and twenty (1920).

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part,

and

The Municipal Corporation of the Village of Lancaster, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a by-law No. 389, passed the 3rd day of December, 1919, to authorize the execution of an agreement therefor;

And whereas in accordance with the powers conferred by Legislature, upon the Commission by the said Act and amendments thereto, the Commission intends to purchase, acquire or construct generating stations, hydraulic plants, lines, sub-stations and all works in connection therewith required for the purposes of supplying power hereunder, or to enter into an agreement with one or more power generating companies or individuals for a supply of power required hereunder, and to construct the necessary stations, plant, lines and equipment to transmit, transform and deliver power to the Corporation;

Now therefore this Indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date fifty (50) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical

trical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the said properties and rights, purchasing of power and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(f) To take and use the three-phase power at all times in such manner that the power factor, i.e., the ratio of the kilowatts to the kilovolt-amperes is a maximum, but, in any event the corporation shall pay for 90 per cent. of the maximum kilo-volt amperes considered as true power factor or kilowatts. The maximum in kilovolt-amperes or kilowatts shall be taken as the maximum average or integrated demand over any twenty consecutive minutes.

(g) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(h)

(h) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company, without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing

manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost, neither shall there be any discrimination as regards price and quantity.

9. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Sgd.) I. B. LUCAS, *Vice-Chairman*.

(Seal)

(Sgd.) W. W. POPE, *Secretary*.

THE MUNICIPAL CORPORATION OF THE VILLAGE OF
LANCASTER.

(Sgd.) R. T. NICHOLSON, *Reeve*.

(Seal)

(Sgd.) E. I. SLUNNETT, *Clerk*.

SCHEDULE "I."

Municipality	Quantity of power applied for in H.P.
Lakefield	200
Havelock	200
Norwood	200

(Copy of Lakefield agreement follows here.)

This Indenture, made in duplicate the 14th day of February, in the year of our Lord, one thousand nine hundred and twenty.

Between:

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part,

and

The Municipal Corporation of the Village of Lakefield, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation, under the provisions of *The Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a By-law No. 565, passed the 8th day of December, 1919, to authorize the execution of an agreement therefor.

Now therefore this indenture witnesseth, that in consideration of the premises and of the agreements of the corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date, two hundred (200) horse power, or more of electrical power to the corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the corporation from time to time during the continuance of this agreement, to reserve and deliver to the corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the corporation at the distribution bus bars in the Commission's substation within the corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights

rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph six.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the corporation until said bill is paid. No such discontinuance shall relieve the corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the corporation and held in reserve, then the corporation shall pay for this greater amount during the entire month.

If the corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent., the corporation shall pay for 90 per cent. of the kilovolt amperes provided that said ninety per cent. (90%) of said kilovolt amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(f) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the corporation.

(g) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the

Commission,

Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three phase having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time, during the continuance of this agreement, to inspect the apparatus, plant and property of the corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the municipal corporation or corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the corporations and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the corporations and other municipal corporations supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the corporation, in writing of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid, and to be paid by the corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company, without the written consent of the Commission, but the corporation may sell power to any person or persons, or manufacturing companies within the limits of the corporation, but such power

power shall not be sold for less than cost; neither shall there be any discrimination as regards price and quantity.

9. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof, the Commission and the corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Sgd) I. B. LUCAS,
Vice-Chairman.

(Seal)

(Sgd.) W. W. POPE,
Secretary.

MUNICIPAL CORPORATION OF THE VILLAGE OF LAKEFIELD.

(Sgd) J. C. STRICKLAND,
Reeve.

(Seal)

(Sgd) W. SHERIN,
Clerk.

SCHEDULE "J."

Municipality.	Quantity of Power Applied for in H.P.
Uxbridge	125
Kirkfield	30
Port Perry	125

(Here follows copy of Uxbridge Agreement).

This Indenture made in duplicate the 3rd day of March, in the year of our Lord one thousand nine hundred and twenty,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part,

and

The Town of Uxbridge, located in Ontario County, Ontario, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation consented to the By-law No. 721, authorizing

authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth, that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date one hundred and twenty-five horse power (125 h.p.) or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all monies expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty (30) years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all monies advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works; subject to adjustment under clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the fifth day and paid by the Corporation on or before the fifteenth day of each month. If any bill remains unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation

poration from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission and in all other respects to carry out the object of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month shall exceed during the twenty (20) consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty (20) consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty (20) consecutive minutes falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of said kilovolt-amperes, providing that said ninety per cent. (90%) of said kilovolt-amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty (30) years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately sixty (60) cycles per second and shall be delivered at a voltage suitable for local distribution.

(a) The meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the

Commission,

Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall, at least annually adjust and apportion the amount or amounts payable by the municipal corporation or corporations for such power and such interest, sinking fund, cost of lost power, and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved corporation or corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions, as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time such application is made, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the corporation or corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between corporations to which the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Sgd.) A. BECK, *Chairman*.

(Seal).

(Sgd.) W. W. POPE, *Secretary*.

THE TOWN OF UXBRIDGE,

(Sgd.) J. W. GOULD, *Mayor*.

(Seal).

(Sgd.) W. H. CROSBY, *Clerk*.

SCHEDULE "K."

Municipality.	Quantity of Power Applied for in H.P.
Wingham	400
Kincardine	350
Lucknow	100
Teeswater	150
Priceville	25
Ripley	100

(Here follows copy of Wingham agreement.)

This Indenture made in duplicate the 20th day of February, in the year of our Lord, 1920,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part,

and

The Town of Wingham, located in Huron County, Ontario, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation consented to the By-law Number 817, authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth, that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date four hundred horse power (400 h.p.) or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so

as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuously 24-hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all monies expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all monies advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works; subject to adjustment under clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the fifth day and paid by the Corporation on or before the fifteenth day of each month. If any bill remains unpaid for fifteen days the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount

amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor at any time falls below ninety per cent. (90%) the Corporation shall pay for ninety per cent. (90%) of the kilovolt-amperes, providing that said ninety per cent. (90%) of said kilovolt-amperes is greater than the maximum kilowatts for any twenty (20) minute period during the month.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty (30) years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately sixty (60) cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall, at least annually adjust and apportion the amount or amounts payable by the municipal corporation or corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved corporation or corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions, as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the corporation or corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between corporations to which the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

(Sgd.) I. B. LUCAS, *Vice-Chairman*.

(Seal).

(Sgd.) W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWN OF WINGHAM,

(Sgd.) W. H. GURNEY, *Mayor*.

(Seal).

(Sgd.) JOHN F. GROVES, *Clerk*.

CHAPTER 19.

An Act to amend The Water Powers Regulation Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Water Powers Regulation Act, 1920.* Short title.

2. *The Water Powers Regulation Act*, as amended by *The Water Powers Regulation Act, 1917*, and section 57 of *The Statute Law Amendment Act, 1918*, is further amended by adding thereto the following section:— 6 Geo. V.
c. 21,
amended.

14. Where the owner is developing electrical power or energy by the diversion of the waters of the Niagara River under any contract, agreement, license, lease or other instrument entered into by the owner or his predecessors in title with or granted to the owner or his predecessors in title by the Commissioners of the Queen Victoria Niagara Falls Park, and the owner diverts or uses more water than he is entitled to divert or use or develops or generates a greater amount of electrical energy than he is entitled to develop or generate under the contract, agreement, license, lease or other instrument, the inspector may with the authority of the Lieutenant-Governor in Council give to the said owner notice in writing to cease diverting or using more water than he is entitled to divert or use or generating or developing a greater amount of electrical power or energy than he is entitled to develop or generate, and if the owner, after the expiration of one month from the giving of said notice, diverts or uses more water than he is entitled to divert or use or develops or generates a greater amount of electrical power or energy than he is entitled to develop or generate, Owner diverting more water than he is entitled to divert or develop-
ing more power than he is entitled to develop in Niagara Falls Park.

Forfeiture of rights in park. then

then every franchise or right of occupancy or possession or right to develop or use any of the waters of the Niagara River or to operate or construct any works which may be enjoyed by the owner therefor, and notwithstanding anything contained in any such contract, agreement, license, lease or other instrument or in any by-law or in any general or special Act of this Legislature shall cease and be at an end.

Rescission
of order
for delivery
of excess de-
velopment.

15. The Lieutenant-Governor in Council may, at any time, rescind any order made by him under subsection 2 of section 13 of this Act, and thereupon all right of the owner to develop power or use water or develop or generate power in excess of the owner's rights as found by the said commissioners shall cease, but any such rescission shall not relieve the owner from any penalties incurred by him under subsection 3 of section 13 of this Act prior to the date of such rescission.

CHAPTER 20.

An Act to amend The Highway Improvement Act.

Assented to May 19th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Highway Improvement Act, 1920.* Short title.

Highway Improvement Fund.

2. There shall be a fund to be known as The Highway Improvement Fund, and there shall be kept in the books of the Treasurer of Ontario an account to be known as The Highway Improvement Fund Account. Establishment of fund.

3.—(1) There shall be placed to the credit of the said fund in the said account:— What sums to be credited to fund.

(a) An amount equal to the balance remaining unexpended at the time of the passing of this Act, of any moneys heretofore set apart under *The Highway Improvement Act* and amendments thereto for the improvement of public highways;

(b) The sum of \$3,000,000 to be set apart in each fiscal year for the period of five years commencing with the fiscal year which began on the 1st day of November, 1919, to be chargeable to and payable out of the Consolidated Revenue Fund;

(c) A sum in every fiscal year equal to the gross receipts of the Province from motor vehicle permits and licenses and all other sources of revenue under *The Motor Vehicles Act*, after deducting an amount sufficient to provide for sinking fund and interest at the current rate of interest, in respect to any issue of bonds to raise the amounts mentioned in clause b;

(d)

(d) The sum of \$1,580,000, being an amount approximately equal to the gross receipts of the Province under *The Motor Vehicles Act* for the fiscal year ending on the 31st day of October, 1919;

(e) A sum equal to all repayments to the Province on account of amounts chargeable to or received from municipalities, individuals, companies or corporations by reason of any work performed or expenditures incurred or materials or property sold or fines imposed, under any of the provisions of *The Provincial Highway Act*;

(f) A sum equal to any subsidy or payments received from the Government of Canada under *The Canada Highways Act*.

When
credits to
be made.

(2) The sums mentioned in the clauses lettered *a* and *d*, the first of the annual sums mentioned in the clause lettered *b* of subsection 1 shall be forthwith credited to the said fund, and the sums mentioned in the remaining clauses of the said subsection shall be credited to the fund annually as of the 1st day of November, beginning in the year 1920.

Amount of
revenue—
how com-
puted.

(3) The sums mentioned in the clauses lettered (*c*), (*e*) and (*f*) in subsection 1 shall be computed upon the gross receipts from the sources designated in the said clauses in the next preceding fiscal year.

Payments
out on
account
of fund.

(4) All payments which shall be made under the powers conferred by *The Highway Improvement Act*, *The Ontario Highways Act* and *The Provincial Highway Act*, and amendments thereto, except those for which an annual appropriation is made by the Legislature, shall be payable out of the Consolidated Revenue Fund and shall be debited in the books of the Treasurer of Ontario to The Highway Improvement Fund Account.

Annual
statement.

(5) There shall be laid before the Assembly by the Treasurer of Ontario at the commencement of each session a statement showing all sums credited to the fund and all payments chargeable thereto during the fiscal year next preceding, and the balance at the credit of the fund at the close of the said fiscal year.

(6) The provisions of this section shall be substituted for all former provisions setting apart any sum out of the Consolidated Revenue Fund for the purposes of the said Acts. Substitution for former provisions.

4. Section 12 of *The Highway Improvement Act* is amended by adding thereto the following subsection:— Rev. Stat., c. 40, s. 12, amended.

(3) The Lieutenant-Governor in Council may approve the by-law in part only and in that case the by-law shall be in force and shall take effect so far as approved, but it shall not be necessary for the council of the county to pass any further by-law amending the original by-law or repealing any portion thereof which has not been so approved.

5. Section 15 of *The Highway Improvement Act*, as amended by section 2 of *The Highway Improvement Act, 1915*, and section 8 of *The Highway Improvement Act, 1917*, is repealed and the following substituted therefor:— Rev. Stat., c. 40, s. 15, repealed.

15.—(1) The council of any county which takes advantage of this Act may from time to time pass by-laws to raise by debentures payable in not more than twenty years, as provided by *The Municipal Act*, such sums as may be necessary to meet any expenditure for the construction and improvement of highways under this Act not exceeding five per centum of the equalized assessment of the county, or the council may by by-law provide that the required amount shall be raised in equal annual instalments by a general county rate levied in each successive year for a period not exceeding ten years, but such amount shall not exceed five per centum of the equalized assessment of the county, and all the provisions of this Act shall apply to any money heretofore or hereafter so provided as fully as if debentures had been issued whether a by-law transferring such money to a special account under this Act has or has not been passed. Raising amounts required by county.

(2) No by-law passed under subsection 1 for raising the amount in equal annual payments during the period stated in the by-law shall be repealed until the expiry of that period. By-law not to be repealed until annual payments completed.

When assent
of electors
unnecessary.

- (3) Where a by-law to raise money for the issue of debentures or by annual rate for a term of years passed under subsection 1 has received the assent of two-thirds of the members of the county council present and voting thereon, it shall not be necessary to submit the same to the electors of the county as required by *The Municipal Act*, and this subsection shall be deemed to have been in force as from the 24th day of April, 1919.

Procuring
temporary
loans during
progress of
work.

- (4) The council of a county carrying on work under this Act may agree with any chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of the work in progress, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the corporation of the county, together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions from suburban roads.

Annual
county rate.

- (5) In addition to or in substitution for any amount which may be raised under subsection 1, the council of a county may raise in any year by general county rate such sums as the council may deem necessary for the purposes mentioned in the said subsection.

Sectional
by-law—
liability
of county
as a whole.

6. Notwithstanding anything contained in section 26a of *The Highway Improvement Act*, as amended by section 6 of *The Highway Improvement Act, 1916*, and section 10 of *The Highway Improvement Act, 1919*, debentures heretofore or hereafter issued under the authority of the said section shall be considered a debt payable by the corporation of the county to the holders of such debentures and all property subject to assessment and taxation in the county shall be liable for the payment of such debentures, but the property liable to taxation in that part of the county included in the by-law passed under such section adopting a plan for the improvement of highways shall be liable to the county as a whole for the full amount of the debentures so issued.

Rev. Stat.,
c. 40, s. 13,
subs. 1,
amended.

7. Subsection 1 of section 13 of *The Highway Improvement Act*, as amended by section 5 of *The Highway Improvement Act, 1915*, is further amended by striking out the

the words "Lieutenant-Governor in Council" in the 14th line and inserting in lieu thereof the word "Minister."

8. Section 29 of *The Highway Improvement Act* as enacted by section 7 of *The Highway Improvement Act, 1917*, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 40.
7 Geo. V,
c. 17, s. 7,
amended.

29.—(1) Sections 465 and 467 of *The Municipal Act* shall not apply to a bridge or highway crossing or forming a boundary line between counties or between a county and a city or separated town, where the county in the latter case, or one or more of such counties in the former case have adopted a plan for the improvement of highways pursuant to the provisions of this Act, and such plan includes such bridge or highway.

Disputes as
to mainten-
ance, etc. of
bridges and
highways.

(2) Whenever there is a difference between two or more municipalities in respect of any such bridge or highway as to the corporation upon which the obligation rests, as to the building, maintaining or keeping in repair of such bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the councils of two or more municipalities are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by The Ontario Railway and Municipal Board upon an application by any corporation interested in such bridge or highway.

Disputes as
to county
boundary
lines and
bridges.

(3) The Board shall appoint a day for the hearing of such application, of which ten days' notice in writing shall be given to the clerk of each municipality interested and shall, at the time and place appointed, hear and determine all matters in difference between the said municipalities in regard to such bridge or highway, and the Board may make such order in regard to the same as it may deem just and proper, and may by such order fix and determine the amount or proportion which each municipality shall pay or contribute toward the building, maintaining and keeping in repair of such bridge or highway.

Hearing by
Ontario Rail-
way and
Municipal
Board.

Term of
Order.

- (4) An order made by the Board under this section shall be and remain binding upon all the municipalities interested for such period as the Board may determine.

Rev. Stat.,
c. 40, s. 5,
amended.

9. Section 5 of *The Highway Improvement Act* as amended is further amended by adding thereto the following subsections:—

Agreement
between
county and
town or
village re
improve-
ment of
street.

- (7) A town or village may by by-law provide for the construction or improvement of a street or streets as in this section defined, and may enter into agreement with the council of the county with respect thereto; the work to be carried out under the inspection of the county road superintendent, in accordance with such regulations of the department as may be applicable thereto, and when the by-law and agreement have been approved by the Minister, expenditure thereunder or such portion thereof as the Minister may determine, shall be deemed to form part of the expenditure in carrying out a plan of highway improvement within the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act, the amount payable under this section to be repayable to the town or village by the county, in accordance with the terms of the said agreement in that regard.

Annual
grant by
county.

- (8) The agreement entered into between a county council and a town or village, under the next preceding subsection, may provide for the payment of a fixed annual grant to the village during the period for which debentures have been issued by the town or village, such period to be determined by the estimated life of the work.

6 Geo. V,
c. 14, s. 6,
amended.

10. Subsection 1 of section 26a of *The Highway Improvement Act*, as enacted by section 6 of *The Highway Improvement Act, 1916*, and amended by section 10 of *The Highway Improvement Amendment Act, 1919*, is amended by inserting after the word "townships" in the last line but one, the words "together with any town or village municipality designated in such county by-law," and such amendment shall take effect as from the 1st day of January, 1918.

11. Subsection 2 of section 12 of *The Highway Improvement Act* is amended by inserting after the word "township", in the fourth line, the words "town or village." Rev. Stat., c. 40, s. 12, subs. 2, amended.

12. Section 7 of *The Highway Improvement Act* is amended by striking out the words "or some other competent person" in the third line, and by adding thereto the following subsection:— Rev. Stat., c. 40, s. 7, amended.

- (2) Every engineer hereafter appointed by the council of a county, in pursuance of this section, shall be a graduate in civil engineering of a university of recognized standing, or a member of the Engineering Institute of Canada, or an Ontario land surveyor. Qualifications of road superintendent

13. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 21.

An Act to provide for the removal of Trees and
Obstructions from Public Highways or from
lands adjacent thereto.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title. **1.** This Act may be cited as *The Obstructions on Highways Removal Act, 1920.*

Agreement with owner for removal. **2.** The road superintendent appointed by a county council under the provisions of *The Highway Improvement Act* or by a township council under the provisions of *The Ontario Highways Act, 1915*, may with the approval of the council having jurisdiction over the highway, enter into an agreement with the owner of any lands adjacent to a highway under the jurisdiction of the council for the removal of any tree, shrub, brush, hedge, fence, signboard, building or other object growing or standing on the highway, or on lands adjoining the highway and which may cause the drifting or accumulation of snow or may injuriously affect the highway or obstruct the vision of drivers of vehicles or pedestrians upon the highway.

Compensation. **3.** The road superintendent may, with the approval of the council having jurisdiction over the highway, enter into an agreement with the owner of the lands as to the amount of compensation to be paid to such owner for damages caused to him by reason of such removal.

Application to judge for order to remove. **4.** Where the road superintendent of a county or township is of the opinion that the removal of any tree, shrub, brush, hedge, fence, signboard, building, or other object growing or standing upon a highway, or on lands adjacent to the highway, will cause the drifting or accumulation of snow or is injurious to the road-bed or is a dangerous obstruction

struction to the vision of drivers of vehicles or pedestrians on the highway, and he is unable to agree with the owner of such lands for the removal of the same, or as to the amount of compensation to be paid therefor, the road superintendent may, with the approval of the council having jurisdiction over the highway, apply to the judge of the county court of the county in which the lands affected are situated, and upon such notice to the owner of the lands affected, as the judge may direct, for an order granting authority to the road superintendent to enter upon the lands affected and to remove any object with respect to which the application is made and the judge, upon such application, may make such order and may fix the amount of compensation to be paid to the owner and give such directions as to costs as in his opinion may be equitable.

5. *The Judges' Orders Enforcement Act* shall apply to every order made under section 4. Application of Rev. Stat., c. 79.

6. The council of a county or township may by by-law determine and fix the distance from the centre line of any public highway within the jurisdiction of the council within which the owner of any lands adjacent to the highway shall not plant or cause to be planted any tree, shrub, brush or hedge, or erect or cause to be erected any fence, signboard, building or other structure which may cause the drifting or accumulation of snow or which may injuriously affect the road-bed of the highway or dangerously obstruct the vision of drivers of vehicles or pedestrians thereon. By-laws for clearing adjacent land.

CHAPTER 22.

An Act to amend The Ontario Highways Act.

Assented to May 19th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ontario Highways Act, 1920.*

5 Geo. V.
c. 17, s. 10,
subs. 1,
amended.

2. Subsection 1 of section 10 of *The Ontario Highways Act, 1915*, as amended by section 3 of *The Ontario Highways Amendment Act, 1919*, is further amended by striking out the words "Lieutenant-Governor in Council" in the sixth line and inserting in lieu thereof the word "Minister."

5 Geo. V.
c. 17, s. 11,
subs. 1,
repealed.

3.—(1) Subsection 1 of section 11 of *The Ontario Highways Act, 1915*, is repealed, and the following substituted therefor:—

Appointment
of township
road over-
seer and
contribution
to salary
by Province.

(1) The council of any township municipality may, by by-law, appoint a township road overseer or foreman who, subject to the direction of the council, shall lay out and supervise all work and inspect all roads within the exclusive jurisdiction of the township council, and the Minister may direct that out of the Highway Improvement Fund forty per centum of the salary or wages paid to such overseer or foreman by the township shall be re-imbursed by the province, but the amount so paid shall not be granted by the Province, for a greater period than six years.

5 Geo. V.
c. 17, s. 11,
subs. 4,
amended.

(2) Subsection 4 of section 11 of *The Ontario Highways Act, 1915*, is amended by striking out the words "Lieutenant-Governor in Council" in the eighth line and substituting therefor the word "Minister."

4. Section 15 of *The Ontario Highways Act, 1919*, is ^{5 Geo. V, c. 17, s. 15,} amended by adding thereto the following subsection:—
amended.

- (2) The work on suburban roads may be carried on ^{Engineer of Commission may supervise work on suburban roads.} under the supervision of a qualified engineer employed for that purpose by the commission in place of the county road superintendent, and all the provisions of *The Highway Improvement Act* and regulations made under the said Act shall apply to such engineer in the same manner as to a county road superintendent, and the certificate of such engineer with respect to work and expenditure upon suburban roads under the jurisdiction of the Minister shall be accepted in lieu of the certificate of the county road superintendent as required by section 13 of *The Highway Improvement Act*.

5. Section 16 of *The Ontario Highways Act, 1915*, and ^{5 Geo. V, c. 17, s. 16,} amendments thereto, are repealed, and the following substituted therefor:—
repealed.

- 16.—(1) Subject to the provisions of the following ^{Contribution to suburban roads.} subsections, expenditure upon all work upon suburban roads outside the limits of a city or town shall be borne by the county, city or town, and the Province in the proportion of thirty per cent. by the county, thirty per cent. by the city or town and forty per cent. by the Province.

- (2) Except as provided in subsection 3, the amount to ^{Limit of contribution of city or town.} be contributed by the city or town shall not exceed the proceeds of an annual rate of one-half mill on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll.

- (3) The council of any city or separated town, where ^{Additional contribution by city or town.} a commission has been directed as provided by section 12, may in any year, by a by-law passed by a vote of at least two-thirds of the members present and voting thereon, appropriate for work upon suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar on the value of the rateable property in such city or town according to the last revised assessment roll; but such by-law shall not be passed until the council of the county shall have appropriated an equal amount for the like purposes to be expended in the same year.

(4)

Additional
expenditure
by county.

- (4) The corporation of a county shall not be limited to the expenditure of the proportion mentioned in subsection 1, but may expend such additional sums upon suburban roads from time to time as the council may deem proper, but the corporation of a city or town shall not in any year be called upon to contribute to the expenditure on suburban roads beyond the amounts provided in subsections 2 and 3.

Suburban
road de-
signated as
provincial
county
road.

- (5) Any suburban road or any portion of a suburban road may be designated a provincial county road, as provided by section 28 of *The Highway Improvement Act*, and when so designated expenditure thereon for construction and for maintenance and repair shall be borne by the county, city or town, and the Province in the proportion of twenty per cent. by the county, twenty per cent. by the city or town, and sixty per cent. by the Province.

Maintenance
and repair
from time
of designa-
tion.

- (6) Roads designated as suburban roads by the commission appointed as provided by *The Ontario Highways Act, 1915*, shall be maintained and repaired from the time of such designation at the cost of the Province and of the corporations in the proportions fixed by subsection 1 or subsection 5.

Appropriation may be by resolution of any council.

- (7) An appropriation for the purposes mentioned in this section may be made by resolution of the council of the county and may be made before the designation by the commission of the roads upon which the appropriation is to be expended.

Informalities not to invalidate proceedings.

6.—(1) No error or omission or insufficiency in the procedure provided for by *The Ontario Highways Act, 1915*, shall relieve a corporation of a county or of a city or separated town from liability to contribute towards the construction and maintenance of suburban roads designated by the commission as provided by the said Act, and the treasurer of a city or town which is liable to contribute towards the construction and maintenance of suburban roads, as provided in the said Act shall, not later than the first day of November in every year, forward to the treasurer of the county an amount equal to the amount appropriated by the council of the county for the construction and maintenance of such suburban roads in that year; but the amount of such contribution shall be limited as provided by section 16 of the said Act as amended by this Act.

7. Sections 5 and 6 shall apply as to all work heretofore or hereafter done and to all proceedings heretofore or hereafter taken under *The Ontario Highways Act, 1915*, and the amendments thereto respecting suburban roads, but nothing herein contained shall affect the disposition of costs in any action or other proceeding now pending, and such costs may be awarded and ordered to be paid in the same manner and by the same parties as if this section had not been passed.

Section to be retroactive saving as to costs of pending proceedings.

8. Section 17 of *The Ontario Highways Act, 1915*, as amended by section 3 of *The Ontario Highways Amendment Act, 1916*, section 4 of *The Ontario Highways Act, 1917*, and *The Act to amend The Ontario Highways Act, 1915*, passed in the eighth year of His Majesty's reign, chapter 17, is further amended by adding thereto the following sections:—

5 Geo. V. c. 17, s. 17, amended.

(7) Where the council of a city, town or county fails to make any appointment of a commissioner as in this section provided, such appointment may be made by the Lieutenant-Governor in Council;

Appointment to commission where county, city or town makes default.

(8) A plan and description of the system of suburban roads designated by the commission shall be deposited by the commission in the Department of Public Highways within six months from the date of the Order-in-Council, authorizing such commission, and after the approval thereof by the Minister no alterations or amendment thereof shall be made by the commission until approved in a like manner.

Deposit of plan in department.

9. *The Ontario Highways Act, 1915*, is amended by adding thereto the following sections:—

5 Geo. V. c. 17, amended.

37d. The council of a township in which money is not being expended under *The Colonization Roads Act* may submit to the department for approval such plans, specifications or by-laws as the department may require for any or all of the following purposes of road construction, improvement or repair, namely:—

Grants in aid of township road work.

(a) Grading;

(b) Drainage for road purposes;

(c) Gravelling, metalling with broken stone, or the construction of any approved kind of road surface;

(d)

- (d) Dust prevention, by oiling, tarring or other approved means;
- (e) The systematic maintenance or repair by dragging, gravelling or other approved means;
- (f) The construction, reconstruction or substantial improvement of culverts, bridges and approaches thereto;
- (g) The opening of a new road or the re-locating, widening or straightening of any existing road;
- (h) The purchase of gravel pits, stone quarries, materials, equipment and machinery;
- (i) Such other purposes of highway improvement as the Minister may approve.

Application
for subsidy.

37e. When approved by the department, the work or expenditure of any class mentioned in the next preceding section shall be carried out in accordance with the regulations of the department with regard thereto, and upon the completion of any such work or expenditure, the council of the township may submit to the department an application for a provincial subsidy equivalent to twenty per cent. of the amount of the township funds expended thereon;

Particulars
to be
furnished.

37f. The application of the township council shall include the following particulars:—

- (a) A statement of the expenditure in such detail as the department may require;
- (b) A resolution of the township council endorsing such statement and authorizing the reeve and clerk to sign and submit it to the department;
- (c) The declaration of the township treasurer that the statement of expenditure is true and correct;

(d)

(d) The declaration of the reeve or township road superintendent that the work has been carried out, or the expenditure made in accordance with the approval given by the department, and in accordance with the regulations of the department.

37g. Upon receipt of the application and the approval thereof by the proper officer of the department, the Minister may direct payment to the township treasurer of the amount of the subsidy and such amount shall be payable out of the Consolidated Revenue Fund, and shall be chargeable to the Highway Improvement Fund Account.

Amount of provincial subsidy.

37h. Expenditure in respect of which aid may be granted under section 37g shall not include any amount levied in the township for county road purposes or any other road expenditure towards which a contribution has been paid, or may be payable by the Province or the proceeds of any loan for road purposes made by the Province to the township.

What amount not to be included in fixing subsidy.

37i.—(1) The sum of \$2,000,000 is hereby set apart out of the Consolidated Revenue Fund to be available for making loans to township corporations for the purpose of carrying on road improvement, and so much of said amount as may from time to time be repaid to the Province by a township corporation shall revert to and form part of the sum of \$2,000,000 hereby set apart to be used for like purposes.

Appropriation for loans.

(2) The Minister may enter into an agreement with the corporation of any township for the construction or improvement in the township of any road or roads and may authorize the Treasurer of Ontario to make a loan to the township municipality out of the sum of \$2,000,000 so set apart, and upon such authority being given, the Treasurer shall advance to the corporation of the township such sum as the Minister may direct, but the amount to be loaned to any township corporation under this section shall not exceed a sum equal to ten mills on the equalized assessment of the municipality and no such loan shall be made to the corporation of a township in which money is being expended out of a grant or grants under *The Colonization Roads Act*.

Agreement for loan.

Loan to be
a debt to
province.

- (3) The amount borrowed by a township corporation under any such agreement shall be a debt due to the Province by the municipality, and shall be repayable without interest thereon in equal annual instalments within a period of not more than five years, and such payment shall be made in each and every year during the term of the loan upon a date to be fixed by the agreement and in the absence of any fixed date on the 1st day of September in each and every year;

Deposit of
debentures
as security.

- 37j. The Minister may require the corporation of the township to deposit with the Treasurer of Ontario debentures of the corporation to an amount equal to the sum so advanced and such debentures shall be held as security therefor, but it shall not be necessary to have the assent of the electors to such by-law for the issue of debentures or to comply with any of the other formalities required by *The Municipal Act* in relation to money by-laws or to the issue of debentures thereunder.

5 Geo. V,
c. 17,
amended.

- 10.** *The Ontario Highways Act, 1915*, is amended by adding the following section:—

Planting
trees on
highway.

39. The council of any county or a suburban road commission may plant trees on any road under its jurisdiction, and the cost of such work shall be deemed to be part of the cost of repairing and maintaining such highway.

Commence-
ment of Act.

- 11.** This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

CHAPTER 23.

An Act to amend The Provincial Highway Act.

Assented to May 19th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Provincial Highway Amendment Act, 1920.* Short title.

2. The proportion of the cost to be contributed by every municipality in which the construction or repair and maintenance of roads under *The Provincial Highway Act* is carried on, and the proportion of the expenditure upon provincial suburban roads to be contributed by any city shall be twenty per cent. in lieu of thirty per cent. as provided by *The Provincial Highway Act*, and section 11 of the said Act is amended by striking out the figures "30" in the third line and inserting in lieu thereof "20."

3. Section 18 of *The Provincial Highway Act* is repealed and the following substituted therefor:—

18. The cost of replacing, constructing, reconstructing, enlarging, altering, improving, repairing and maintaining a bridge within the limits of a provincial highway shall be borne in the same proportion as the cost of the provincial highway.

4. Subsection 1 of section 21 of *The Provincial Highway Act* is repealed and the following substituted therefor:—

(1) The Department may plant trees upon a provincial highway, and the cost thereof shall be part of the cost of repair and maintenance.

5. Section 21 of *The Provincial Highway Act* as amended by section 5 of *The Provincial Highway Amendment Act, 1919*, is amended by adding thereto the following subsections:—

Re-afforestation
of lands
on provincial
highway.

- (6) Land no longer required for the purposes of a provincial highway may be re-afforested by the Department and lands adjacent to or in the vicinity of a provincial highway may be acquired by the Department for the purpose of re-afforestation.

Cost of
work.

- (7) The cost of any work undertaken under subsection 6 and of acquiring any land for the purposes thereof shall be payable out of the highway improvement fund.

7 Geo. V.
c. 16,
s. 26 (1),
amended.

Regulations
as to
traffic.

6. Subsection 1 of section 26 of *The Provincial Highway Act* is amended by striking out the words "or prohibiting its use for any class of vehicles or animals" in the third and fourth lines thereof.

CHAPTER 24.

An Act to amend The Toronto and Hamilton
Highway Commission Act.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Toronto and Hamilton Highway Commission Act* 5 Geo. V.
c. 18,
amended.
is amended by adding the following as section 32:—

32. By-law No. 2277 of the Corporation of the City of Hamilton, being a by-law to raise the sum of fifty thousand dollars by the issue of debentures to provide for the City of Hamilton's share of cost of the Toronto and Hamilton Highway; Confirmation of certain by-laws of municipal corporations.

By-law No. 718 of the Corporation of the County of Wentworth, being a by-law to raise the sum of twenty-three thousand one hundred and thirty-four dollars and sixteen cents;

By-law No. 660 of the Corporation of the Township of East Flamboro, being a by-law to raise the sum of twenty-nine thousand five hundred and seventy-six dollars and thirty-five cents;

By-law No. 666 of the Corporation of the Township of Nelson, being a by-law to provide for the borrowing of forty-six thousand four hundred and four dollars and fifty cents upon debentures to pay for the construction of the Corporation's share of that portion of the Toronto and Hamilton Concrete Highway constructed within the limits of the Township of Nelson;

By-law

By-law No. 218 of the Corporation of the Township of Trafalgar, being a by-law to provide for borrowing seventy-nine thousand six hundred and sixty-three dollars and sixty-seven cents upon debentures to pay for the Township of Trafalgar's share of the cost of construction of the roadway of the Toronto and Hamilton Highway Commission;

and all debentures issued or which may hereafter be issued under said by-laws or any of them are hereby confirmed and declared to be legal, valid and binding upon such municipal corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatever.

Date when
Act takes
effect.

2. This Act shall come into force on the date on which it receives the Royal Assent.

CHAPTER 25.

An Act to amend The Colonization Roads Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Colonization Roads Act*, Short title.
1920.

2. Section 2 of *The Colonization Roads Act* is repealed Rev. Stat.,
c. 41, s. 2,
amended.
and the following substituted therefor:—

In this Act,

Interpreta-
tion.

(a) "Department" shall mean Department of Lands "Depart-
ment."
and Forests;

(b) "Minister" shall mean Minister of Lands and "Minister."
Forests.

3. Sections 6 and 7 of *The Colonization Roads Act* are Rev. Stat.,
c. 41, ss. 6, 7,
amended.
amended by striking out the words "Department of Public Works" wherever they occur in the said sections and inserting in lieu thereof the words "Department of Lands and Forests."

4. The transfer of the administration of *The Colonization Roads Act* from the Department of Public Works to the Department of Lands, Forests and Mines by Order-in-Council dated the 1st day of March, 1919, is confirmed and declared to have been legal and valid and from the said date the word "Minister" in *The Colonization Roads Act* shall be deemed to have referred to the Minister of Lands, Forests and Mines, and the words "Department of Lands, Forests and Mines" shall be deemed to have been substituted for the words "Department of Public Works." Transfer to
Department
of Lands,
Forests
and Mines,
confirmed.

Rev. Stat.,
c. 41, s. 5,
amended.

5.—(1) Section 5 of *The Colonization Roads Act* is amended by striking out the words “not less than one-third and” in the third line.

Rev. Stat.,
c. 41, s. 7,
amended.

(2) Section 7 of *The Colonization Roads Act* is amended by striking out the words “not less than one-third and” in the last line but one of the said section.

Rev. Stat.,
c. 41, s. 6,
amended.

6. Section 6 of *The Colonization Roads Act* is amended by inserting the words “an engineer or” before the word “inspector” in the second line.

Rev. Stat.,
c. 41,
amended.

7. *The Colonization Roads Act* is amended by adding thereto the following sections:—

By-laws for
purchase of
machinery
or ma-
terial.

8a.—(1) The council of any municipality mentioned in section 4 may submit to the Minister a proposed by-law for the purchase of road making machinery, appliances and equipment and material for road-making or road improvement, or any of them, and the Minister may by writing under his hand approve such by-law or may approve of the same subject to such amendments or alterations as he may deem proper.

By-law,
when
council
may pass.

(2) The council may pass the by-law as so approved, or as amended or altered in accordance with the directions of the Minister, and may expend the amount stated therein for the purposes aforesaid.

Aid from
province.

(3) Upon proof to the satisfaction of the Minister that any amount has been properly expended under the by-law, the Minister may direct the payment to the corporation of the municipality of a sum not exceeding twenty-five per cent. of the amount so expended, and the sum named in the direction of the Minister shall be payable out of any moneys appropriated by the Legislature for the purposes of this section.

Agreements
between
two or
more cor-
porations.

(4) The corporation of any two or more of the municipalities mentioned in section 4 may enter into an agreement for the purchase of road-making machinery, appliances and equipment and materials for road-making or road improvement or any of them for the common use of such municipalities, and may pass by-laws for that purpose

and such by-laws and agreements may be submitted to the Minister and may be approved, amended or altered and dealt with as provided in subsections 1 and 2 and the Minister may direct the payment to the corporation or to any one of them of the aid provided for in subsection 3 and the same shall be payable accordingly.

- 8b.—The council of any township municipality in which colonization roads money is being expended under a by-law of the municipality may by by-law appoint a road overseer or foreman, who, subject to the direction of the council, shall supervise all work and expenditure under such first mentioned by-law on the roads included therein or under any by-law of the municipality authorizing work and expenditure on the said roads, and upon the report and recommendation of the Minister, the Lieutenant-Governor in Council may direct that out of any moneys appropriated for the purposes of this Act, forty per cent. of the salary paid yearly to such overseer or foreman by the municipality shall be reimbursed to the municipality, but the amount so paid shall not in any one year exceed the sum of \$150, nor shall it be granted by the Province for a greater period than six years.

Appoint-
ment of
road over-
seer or fore-
man and
aid in
payment
of salary.

8. To remove all doubts it is declared that *The Highway Improvement Act* and amendments thereto, and *The Ontario Highway Act, 1915*, and amendments thereto, do not apply, and shall not be deemed to have applied to any municipality in which money is expended under *The Colonization Roads Act*.

Certain
other Acts
not to apply
where
grants
made
under
Rev. Stat.,
c. 41.

9. No road shall be constructed under *The Colonization Roads Act* of a less width than sixty-six feet.

Width of
roads.

10. Section 8 of *The Colonization Roads Act* is amended by striking out the words "estimated at the rate of \$2 for a day of ten hours of faithful work by each man employed, and \$4 a day of ten hours faithful work for a man and team" and inserting in lieu thereof the words "estimated at the actual cost of such labour to the municipality."

Rev. Stat.,
c. 41, s. 8,
amended.
Rate of
statute
labour.

CHAPTER 26.

An Act to amend The Tile Drainage Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 44, s. 13
(3) amended. **1.** Subsection (3) of section 13 of *The Tile Drainage Act* is hereby repealed and the following substituted therefor:—

(3) Not more than \$2,000 for each 100 acres shall be lent to one person.

CHAPTER 27.

An Act to amend The Agricultural Associations Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Agricultural Associations Act*, 1920. Short title.

2. Section 3 of *The Agricultural Associations Act* as Rev. Stat., c. 46, s. 3, amended by subsection 1 of section 3 of *The Statute Law Amendment Act, 1916*, is amended by striking out the words 6 Geo. V, c. 24, s. 3, “Western Ontario Seed Growers’ Association” in the third line thereof and substituting therefor the words “Ontario Seed Growers’ Association.”

CHAPTER 28.

An Act to amend The Agricultural Societies Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Agricultural Societies Amendment Act, 1920.*

Rev. Stat.,
c. 47, s. 40,
amended.

2. Section 40 of *The Agricultural Societies Act* is amended by adding the following subsection:—

By-laws for
common use
of buildings
on municipal
property.

(4) Any of such municipalities may pass by-laws for providing for the erection of buildings on parks, fair grounds or other property belonging to any such municipality, for the joint purposes of the municipality and of any agricultural society, or other body, or trustees for any club or society, upon such agricultural society and other body, or trustees for any club or society contributing to the cost of such building, and in such case, the municipality shall have power to grant leases, for a term not exceeding twenty-one years to such agricultural society, incorporated body, or the trustees of any club, providing for the use of such building at such time or times as to such council may seem proper, and upon such terms as may be arranged with the said council. The powers hereby granted may be exercised in respect of any building erected since the first of January, 1919.

CHAPTER 29.

An Act to amend The Soldiers' Aid Commission Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Soldiers' Children's Short title. Protection Act, 1920.*

2. With respect to the child of any person who has served with His Majesty's forces or the forces of any of the Allies of His Majesty in the late war the Soldiers' Aid Commission shall have and may exercise and perform all the rights, powers and duties of a children's aid society as provided by *The Children's Protection Act.*

Powers of Commission as to children of soldiers.

Rev. Stat., c. 231.

3. The Commission may establish children's shelters or homes for children coming under its care by virtue of this Act and may apply any of the funds of the Commission for such purpose.

Establishing children's shelters.

4. The Soldiers' Aid Commission may enter into an agreement with any person who served with His Majesty's forces or the forces of any of the Allies of His Majesty in the late war, or who was the wife or husband of a person so serving before the cessation of hostilities, whereby the Soldiers' Aid Commission may accept the custody of any child or children of such applicant upon being satisfied that the circumstances of the applicant are such that the applicant is unable to properly maintain and care for such child or children.

Agreement to accept custody of child.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

CHAPTER 30.

An Act to provide for the Establishment of an
Athletic Commission.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Athletic Commission Act*.

Establishment of Commission. **2.** There shall be established a commission to be composed of five persons appointed by the Lieutenant-Governor in Council, and the commission shall be a body corporate under the name of the Ontario Athletic Commission hereinafter called "the commission."

Object of Commission. **3.** The object of the commission shall be to assist, promote and encourage amateur sport and recreation in schools, community centres and through associations of amateur sportsmen.

Special authority as to wrestling and boxing. **4.** Three of the members of the commission shall be designated, upon their appointment, as having special authority under this Act so far as it relates to professional boxing and wrestling.

Quorum. **5.** The majority of the members of the commission shall form a quorum.

Tenure of office. **6.** The members of the commission shall hold office during pleasure, and upon a vacancy occurring owing to death, resignation or removal from office of a member, the Lieutenant-Governor in Council may appoint someone to take his place.

Chairman. **7.** The Lieutenant-Governor in Council may from time to time appoint one of the members of the commission to be chairman of the commission.

Commissioners to serve without pay. **8.** Each of the commissioners shall serve without remuneration, but shall be entitled to receive his travelling expenses

penses and actual disbursements in transacting the business of the commission, and the Lieutenant-Governor in Council may fix a per diem allowance as a living allowance to the commissioners who are absent from home in the transaction of the business of the commission.

Allowance
for dis-
bursements.

9.—(1) The commission may appoint a secretary to the commission and such officers, clerks and servants as may be deemed requisite.

Secretary
and staff.

(2) The salaries or other remuneration of the secretary and the other persons so appointed shall be fixed by the commission, subject to ratification by the Lieutenant-Governor in Council, and such salaries or other remuneration and the expenses of the commission shall be payable out of the funds collected by the commission as hereinafter provided.

Payment
of salaries,
etc.

10.—(1) For the purpose of providing a fund for the payment of the expenses of the commission and of the salaries and other remuneration of the officers, clerks and servants of the commission, and for carrying out the purposes of the commission as hereinafter mentioned, every person, corporation or association conducting a professional boxing or wrestling contest or exhibition shall pay to the commission an amount not exceeding five per cent. of the gross gate receipts taken by such person, corporation or association in respect of such boxing or wrestling contest or exhibition.

Tax on gate
receipts for
funds of
Commission.

(2) The amounts so received by the commission, together with all fees received for licenses issued under section 11, shall be set apart by the commission and shall constitute a fund for the payment of the expenses, salaries and other charges mentioned in subsection 1, and any portion of such fund remaining unexpended at the end of any fiscal year and not required to meet the charges mentioned in subsection 1, may be used by the commission subject to the approval of the Lieutenant-Governor in Council for the assistance, encouragement and promotion of sport and recreation in a way and by such means as the commission may decide.

Fund for
maintenance
of
Commission,
etc.

11. The commission may issue a license to any person to hold or participate or take part in holding a professional boxing or wrestling contest or exhibition, and no such boxing or wrestling contest or exhibition shall be held or participated in except by a person who is the holder of such license.

Licenses for
boxing and
wrestling
competi-
tions.

12. Every such license shall contain a condition that all professional boxing and wrestling contests and exhibitions conducted thereunder shall be in accordance with the rules, regulations and conditions from time to time prescribed by the

Conditions
of licenses.

the

the commission and approved of by the Lieutenant-Governor in Council, and the license shall be revocable by the commission upon any violation thereof or whenever the continuance of such license shall be deemed by the commission contrary to public interest or not conducive to the interests of legitimate boxing and wrestling.

Penalty.

13. Every person, club, corporation or association who conducts or participates in conducting or holding a professional boxing or wrestling contest or exhibition without having received the license provided for in section 11, shall incur a penalty of not less than \$20, nor more than \$1,000, to be recoverable under *The Ontario Summary Convictions Act*.

Audit.

14.—(1) The books and accounts of the commission shall be audited and checked from time to time by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council may direct, and such auditor or auditors shall make an annual report and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request.

Annual statement to Legislature.

(2) There shall be laid before the Assembly at the opening of each Session of the Legislature or so soon thereafter as it may be obtainable, a statement containing the report of the auditor for the last preceding fiscal year and the receipts and expenditures of the commission and an account of the proceedings of the commission during the said fiscal year and such further particulars as the Lieutenant-Governor in Council shall direct.

Commencement of Act.

15. This Act shall come into force and take effect on the 1st day of July, 1920.

CHAPTER 31.

An Act respecting the Queen Victoria Niagara
Falls Park Commission.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Queen Victoria Niagara Falls Park Act, 1920.* Short title.

2. Section 22 of *The Queen Victoria Niagara Falls Park Act* as amended by section 16 of *The Statute Law Amendment Act, 1917*, is further amended by striking out the figures “1919” and substituting therefor the figures “1925,” and this amendment shall have effect as from the 31st day of October, 1919. Rev. Stat., c. 50, s. 22, 7 Geo. V. c. 27, s. 16, amended.

CHAPTER 32.

An Act to amend The County Courts Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The County Courts Amendment Act, 1920.*

Rev. Stat.,
c. 59, s. 22,
subs. 2,
amended.

2. Subsection 2 of section 22 of *The County Courts Act* is amended by adding at the end of said subsection the following words: "and in any such action tried or disposed of in a county or district court such court shall have the right to award all costs of or incidental to such action on the scale of the Supreme Court in the same manner as if such action had been tried or disposed of in the Supreme Court."

Awarding
costs on
Supreme
Court
scale.

Rev. Stat.,
c. 59, s. 39,
amended.

3. Section 39 of *The County Courts Act* is amended by adding thereto the following subsection:—

(3) This section shall apply to any cause or matter tried or disposed of in a county or district court under subsection 2 of section 22.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of September, 1920.

CHAPTER 33.

An Act to amend The Surrogate Courts Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 35 of *The Surrogate Courts Act* is amended by adding the following subsections:—

Rev. Stat.,
c. 62, s. 35,
amended.

- (3) Except as provided in subsection 4 hereof, no probate or letters of administration shall be granted unless and until the judge is satisfied that there is no undervaluation of the estate of which probate or administration is being sought. Probate not to be granted until Judge has proof of no undervaluation.
- (4) In cases where there is a necessity for the speedy issue of probate or administration and there is difficulty in ascertaining the true valuation of an estate, the judge may report the same to the Treasurer of Ontario and such probate or administration may be issued upon the written consent of the Treasurer or someone authorized by him to consent in such cases. Issue of probate before valuation.
- (5) The judge before granting an order for probate or letters of administration shall satisfy himself whether any transfer of dutiable property has been made by the testator or intestate since 1892, and if such a transfer has been made he shall forthwith notify the Treasurer of Ontario, and probate or letters of administration shall not be issued in such a case without the written consent of the Treasurer or someone authorized by him to consent in such cases. Duty of judge as to transfers of property of deceased before death.
- (6) The Lieutenant-Governor in Council may make rules and regulations for the better carrying out of the provisions of this section. Regulations.

Fees to be
on value of
whole
estate.

2.—(1) The fees payable under *The Surrogate Courts Act* upon the value of the estate of the deceased shall be calculated upon the value of the whole estate, including the real estate as well as the personal estate, but nothing herein contained shall increase the fees payable to the registrar of the surrogate court, and such fees shall continue to be calculated upon the value of the personal estate of the deceased.

Proviso.

(2) In calculating the value of the real property there shall be deducted the actual value of any encumbrance thereon.

Rev. Stat.,
c. 62,
amended.

3. *The Surrogate Courts Act* is amended by adding thereto the following section:—

Appoint-
ment of
expert on
examination
of accounts.

35a. Where accounts submitted to the judge of a surrogate court are of an intricate or complicated character, and in the opinion of the judge require expert investigation, the judge may appoint an accountant or other skilled person to investigate and to assist the judge in auditing the accounts.

Commence-
ment of Act.

4. This Act shall come into force and take effect on the day on which the same receives the Royal Assent.

CHAPTER 34.

An Act to amend The Division Courts Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 62 of *The Division Courts Act* is repealed and the following substituted therefor:—

Rev. Stat.,
c. 63, s. 62,
repealed.

62. Save as otherwise provided by this Act the court shall have jurisdiction in:

Cases in
which court
has juris-
diction.

(a) A personal action where the amount claimed does not exceed \$120;

(b) A personal action if all the parties thereto consent in writing, and the amount claimed does not exceed \$200;

(c) An action on a claim or demand of debt, account, or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$200; provided that in the case of an unsettled account the whole account does not exceed \$1,000;

(d) An action for the recovery of a debt or money demand, where the amount claimed, exclusive of interest, whether the interest is payable by contract or as damages, does not exceed \$400 and the amount claimed is;

(i) Ascertained by the signature of the defendant or of the person whom as executor, or administrator he represents; or

(ii)

(ii) The balance of an amount not exceeding \$400 which amount is so ascertained; or

(iii) The balance of an amount so ascertained which did not exceed \$800, and the plaintiff abandons the excess over \$400; but

an amount shall not be deemed to be so ascertained where it is necessary for the plaintiff to give other and extrinsic evidence beyond the production of a document and proof of the signature to it; and

The jurisdiction conferred by this clause shall apply to claims and proceedings against an absconding debtor.

(e) An action or contestation for the determination of the right of a creditor to rank upon an insolvent estate where the claim of the creditor does not exceed \$120;

Combining
causes of
action.

(2) Claims combining:

(a) Causes of action in respect of which the jurisdiction is by ss. 1 limited to \$120 hereinafter referred to as class (a);

(b) Causes of action in respect of which the jurisdiction is by ss. 1 limited to \$200 hereinafter referred to as class (b);

(c) Causes of action in respect of which the jurisdiction is by ss. 1 limited to \$400 hereinafter referred to as class (c);

may be joined in one action; provided that the whole amount claimed in respect of class (a) does not exceed \$120; and that the whole amount claimed in respect of classes (a) and (b) combined, or in respect of class (b) where no claim is made in respect of class (a) does not exceed \$200, and that the whole amount claimed in respect of classes (a) and (c) or (b) and (c) combined, does not exceed \$400, and that in respect of classes (b) and (c) combined the whole amount claimed in respect of class (b) does not exceed \$200.

(3)

(3) The findings of the court upon claims so joined shall be separate. Separate findings on combined claims.

(4) The court shall also have jurisdiction in actions of replevin, where the value of the goods or other property or effects distrained, taken or detained does not exceed \$120 as provided by *The Replevin Act*. Replevin.

(5) The court shall also have jurisdiction in actions between teachers and school boards as provided by *The High Schools Act*, *The Public Schools Act*, and *The Separate Schools Act*. Actions between teachers and school boards.

2. Subsection 2 of section 224 of *The Division Courts Act* is repealed. Rev. Stat., c. 63, s. 224, subs. 2, repealed.

3. Section 106 of *The Division Courts Act* is repealed and the following substituted therefor:— Rev. Stat., c. 63, s. 106, repealed.

106.—(1) The clerk shall place all actions in which the sum sought to be recovered exceeds \$100 at the foot of the trial list and the judge shall in such cases, unless an agreement not to appeal has been signed and filed as provided by section 107; take down the evidence in writing or cause the same to be taken down in shorthand by a shorthand writer appointed under section 18 of *The County Judges Act* or by some other competent person. Order in which actions over \$100 to be tried. Evidence.

(2) Where the evidence is taken down by the judge in writing it shall be left with the clerk and in the event of an application for a new trial it shall be forwarded to the judge by the clerk for the purposes of the application. Evidence taken down by judge.

(3) Where the evidence is taken down in shorthand it shall not be necessary for the shorthand writer to extend or transcribe his notes except in the case of an appeal or an application for a new trial. Shorthand writers' notes.

(4) The fees and expenses of a shorthand writer appointed under section 18 of *The County Judges Act* attending for the purpose of taking down the evidence as provided in subsection 1, shall be borne and paid in the same manner as the fees and expenses of a shorthand writer attending a sittings of a county or district court. Fees and expenses.

R.S.O. 1914,
c. 63, s. 171,
repealed.

4. Section 171 of *The Division Courts Act* is repealed and the following substituted therefor:—

Counsel
fees.

171. Where in a contested action for more than \$100, and in the cases mentioned in clauses (b) and (c) of section 125, a counsel, solicitor or agent has been employed by the successful party in the conduct of the cause or defence, the judge may direct a sum of \$5, to be increased according to the difficulty and importance of the case to not more than \$25 or if the case occupies more than one day, to not more than \$50, to be allowed to the successful party and the same shall be added to the costs.

Commence-
ment of
Act.

5. This Act shall come into force on the first day of September, 1920.

CHAPTER 35.

An Act to amend The Jurors Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Jurors Amendment Act*, Short title. 1920.

2. Subsection 1 of section 90 of *The Jurors Act* is repealed and the following substituted therefor:—

Rev. Stat.,
c. 64, s. 90,
amended.

- (1) Every grand juror actually attending a sittings of the High Court Division or of the court of general sessions of the peace, and every petit juror actually attending a sittings of the High Court Division or of the court of general sessions of the peace or a county court shall be entitled to receive the sum of \$4.00 per day for every day on which he is necessarily absent from his place of residence for the purpose of attending such court, and the sum of thirteen cents for every mile he necessarily travels from his place of residence to the court.

Jurors fees
and mileage.

3. Subsection 6 of the said section 90 is repealed and the following substituted therefor:—

County
council and
Lieutenant-
Governor in
Council may
increase
pay.

- (6) In a county, the county council, and in a provisional judicial district, the Lieutenant-Governor in Council, may increase the per diem allowance to jurors to any sum not exceeding \$5.

CHAPTER 36.

An Act respecting Persons who are Absentees from Ontario and whose Whereabouts are unknown.

Assented to May 19th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Absentee Act*.

Interpretation
"Court."

2. In this Act, "Court" shall mean the Supreme Court.

"Absentee"
C. f.
Civil Code
L. C. s. 86.

3. An absentee within the meaning of this Act shall mean one who, having had his usual place of residence or domicile in Ontario, has disappeared; whose whereabouts are unknown and as to whom there is no knowledge as to whether he is alive or dead.

Declaration
by Court.

4.—(1) The Court, upon application supported by evidence, may by order declare a person an absentee if the Court is satisfied that the evidence establishes beyond reasonable doubt that he is an absentee.

Application,
who may
make.

(2) The application may be made by the Attorney-General of Ontario by any one or more of the next-of-kin of the alleged absentee, by his or her wife or husband, creditor or other person.

Appeal.

(3) Any person aggrieved or affected by the order shall have the right to appeal therefrom.

Practice and
procedure
on appeal.

(4) The practice and procedure on appeal shall be the same as on an appeal from an order made by a Judge of the High Court Division.

Order
declaring
person no
longer
absentee.

5. Upon application at any time the Court, if satisfied that such person has ceased to be an absentee, may make an order so declaring.

6. Where a person formerly declared an absentee has been found to have ceased to be an absentee, an order may be issued superseding, vacating and setting aside the order declaring the person an absentee for all purposes except as to acts or things done in respect of the estate of the absentee while such order was in force.

7. The Court may make an order for the administration of the property of an absentee and a committee may be appointed for that purpose.

8. A trust company with or without one or more persons may be appointed such committee.

9. Where a committee of the estate of an absentee has been appointed, the powers and duties of the Court and committee shall be the same *mutatis mutandis* as the powers and duties of a Court and of a committee of the estate of a lunatic as provided by *The Lunacy Act*.

10. The committee shall have authority to expend moneys out of the estate of an absentee for the purpose of endeavouring to trace the said absentee and in endeavouring to ascertain whether he is alive or dead.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 37.

An Act to amend The Replevin Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 69, s. 9,
amended.
Jurisdiction
of division
court
extended.

1. Section 9 of *The Replevin Act* is amended by striking out the figures “\$60” in the second line of the said section and substituting therefor the figures “\$120.”

CHAPTER 38.

An Act to extend and provide for the Termination
of The Mortgagors' and Purchasers' Relief Act.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Mortgagors' and Pur-* Short title.
chasers' Relief Act, 1920.

2. Where under the terms of a mortgage or agreement for sale of real property to which sections 2 and 3 of *The Mortgagors' and Purchasers' Relief Act, 1915*, apply, any payment of principal money under a mortgage or of the purchase money under an agreement of sale is overdue on the 1st day of October, 1920, such payment shall be deemed to fall due and be payable on the day upon which the next instalment of interest will be payable after the said date, or on the 1st day of January, 1921, whichever shall be the earlier date, but this shall not apply to or affect any order heretofore made by the court under the provisions of *The Mortgagors' and Purchasers' Relief Act, 1915*, and amendments thereto so as to extend or reduce the period fixed by such order for the making of any payment upon any such mortgage or agreement of sale. Extension of time for payment of principal on mortgages, etc.

3. Subject to the provisions of section 2 and notwithstanding anything contained in section 14 of *The Mortgagors' and Purchasers' Relief Act, 1915*, or any Act heretofore passed extending the operation of the said Act, all the other provisions of the said Act shall continue in force and have effect until the 1st day of October, 1920, and from and after the said date the said Act shall be deemed to be repealed. Extension and repeal of 5 Geo. V. c. 22.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 39.

An Act to amend The Coroners Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Coroners Amendment Act, 1920.*

Rev. Stat.,
c. 92, s. 3,
amended. **2.** Section 3 of *The Coroners Act* is amended by adding the following subsection:—

Police
magistrate
acting as
coroner.

(4) At the request of the Attorney-General or Crown Attorney for the district, every police magistrate in a provisional judicial district shall have power to conduct an inquest within his territorial jurisdiction upon the body of any person whose death has apparently been caused by violence or by unfair means, or in consequence of culpable or negligent conduct of others, or under such circumstances as require investigation, and shall for such purpose have all the power given by law to coroners.

CHAPTER 40.

An Act for codifying the Law Relating to the
Sale of Goods.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Sale of Goods Act, 1920*. Short title.
2. In this Act: Interpretation.
 - (a) "Action" shall include counterclaim and set-off; "Action."
 - (b) "Buyer" shall mean the person who buys or agrees to buy goods; "Buyer."
 - (c) "Contract of sale" shall include an agreement to sell as well as a sale; "Contract of sale."
 - (d) "Delivery" shall mean voluntary transfer of possession from one person to another; "Delivery."
 - (e) "Document of title" shall include any bill of lading and warehouse receipt, as defined by *The Mercantile Law Amendment Act*, any warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or delivery, the possessor of the document to transfer or receive goods thereby represented; "Document of title," Rev. Stat., c. 137.
 - (f) "Fault" shall mean wrongful act or default; "Fault"

(g)

- "Goods." (g) "Goods" shall include all chattels personal other than things in action and money; and shall include emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale;
- "Plaintiff." (h) "Plaintiff" shall include a defendant counter-claiming;
- "Property." (i) "Property" shall mean general property in goods and not merely a special property;
- "Quality." (j) "Quality of goods" shall include their state or condition;
- "Sale." (k) "Sale" shall include a bargain and sale as well as a sale and delivery;
- "Seller." (l) "Seller" shall mean a person who sells or agrees to sell goods;
- "Specific goods." (m) "Specific goods" shall mean goods identified and agreed upon at the time the contract of sale is made;
- "Warranty." (n) "Warranty" shall mean an agreement with reference to goods which are the subject of a contract of sale but collateral to the main purpose of such contract, the breach of which gives rise to a claim for damages, but not to a right to reject the goods and treat the contract as repudiated.
- Things done in good faith. (2) A thing shall be deemed to be done in good faith within the meaning of this Act when it is in fact done honestly whether it be done negligently or not.
- What deemed insolvency. (3) A person shall be deemed to be insolvent within the meaning of this Act, who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due.
- "Deliverable state." (4) Goods shall be deemed to be in a "deliverable state" within the meaning of this Act when they are in such a state that the buyer would under the contract be bound to take delivery of them. (*See* Impl. Act., 56 and 57 Vict., c. 71, s. 62.)

PART I.

FORMATION OF THE CONTRACT.

Contract of Sale.

3.—(1) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration, called the price. There may be a contract of sale between one part owner and another.

Sale and agreement to sell.

(2) A contract of sale may be absolute or conditional.

Absolute or conditional.

(3) Where under a contract of sale the property in goods is transferred from the seller to the buyer the contract is called a sale; but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled the contract is called an agreement to sell.

What constitutes a sale or agreement to sell.

(4) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 1.)

When agreement becomes sale.

4.—(1) Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property:

Capacity.

Provided that where necessaries are sold and delivered to an infant or minor or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Proviso.

(2) Necessaries in this section mean goods suitable to the conditions in life of such infant or minor or other person, and to his actual requirements at the time of the sale and delivery. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 2.)

What deemed necessaries.

Formalities of the Contract.

5. Subject to the provisions of this Act and of any statute in that behalf a contract of sale may be made in writing, either with or without seal, or by word of mouth or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties; Provided that nothing in this section shall affect the law relating to corporations. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 3.)

Contract—how made.

Proviso

Contracts
for \$40 or
upwards.

6.—(1) A contract for the sale of any goods of the value of forty dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the contract or in part payment, or unless some note or memorandum in writing of the contract be made and signed by the party to be charged or his agent in that behalf.

Future
delivery.

(2) The provisions of this section shall apply to every such contract, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

Accept-
ance of
goods—
what
constitutes.

(3) There is an acceptance of goods within the meaning of this section when the buyer does any act in relation to the goods which recognizes a pre-existing contract of sale, whether there be an acceptance in performance of the contract or not. (*See Impl. Act, 56 and 57, Vict., c. 62, s. 4.*)

Subject Matter of Contract.

What
goods
may be
subject of
contract.

7.—(1) The goods which form the subject of a contract of sale may be either existing goods owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Act called "future goods."

Conting-
ency as to
acquisition
of goods
by vendor.

(2) There may be a contract for the sale of goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

Sale of
future
goods.

(3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 5.*)

Goods
which
have
perished.

8. Where there is a contract for the sale of specific goods, and the goods without the knowledge of the seller have perished at the time when the contract is made, the contract is void. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 6.*)

Goods
perishing
before sale
but after
agreement
to sell.

9. Where there is an agreement to sell specific goods, and subsequently the goods, without any fault on the part of the seller or buyer, perish before the risk passes to the buyer, the agreement is thereby avoided. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 7.*)

The Price.

10.—(1) The price in a contract of sale may be fixed by the contract, or may be left to be fixed in manner thereby agreed, or may be determined by the course of dealing between the parties. Ascertainment of price.

(2) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case. (See Impl. Act, 56 and 57 Vict., c. 62, s. 8.) Where price not determined.

11.—(1) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party, and such third party cannot or does not make such valuation the agreement is avoided; provided that if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor. Agreement to sell at valuation.

(2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault. (See Impl. Act, 56 and 57 Vict., c. 62, s. 9.) Valuation prevented by act of party.

Conditions and Warranties.

12. Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract. (See Impl. Act, 56 and 57 Vict., c. 62, s. 10.) Stipulations as to time.

13.—(1) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition, or may elect to treat the breach of such condition as a breach of warranty and not as a ground for treating the contract as repudiated. When condition to be treated as warranty.

(2) Whether a stipulation in a contract of sale is a condition, the breach of which may give rise to a right to treat the contract as repudiated, or a warranty, the breach of which may give rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated, depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract. Stipulation which may be condition or warranty.

Where breach of condition to be treated as breach of warranty.

(3) Where a contract of sale is not severable, and the buyer has accepted the goods, or part thereof, or where the contract is for specific goods, the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty, and not as a ground for rejecting the goods and treating the contract as repudiated, unless there be a term of the contract, express or implied, to that effect.

Fulfillment excused by impossibility.

(4) Nothing in this section shall affect the case of any condition or warranty, fulfillment of which is excused by law by reason of impossibility or otherwise. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 11.*)

Implied conditions and warranties.

14. In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is:

- (a) An implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass;
- (b) An implied warranty that the buyer shall have and enjoy quiet possession of the goods; and
- (c) An implied warranty that the goods shall be free from any charge or encumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 12.*)

Sale by description.

15. Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description, and if the sale is by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 13.*)

Implied conditions as to quality or fitness.

16. Subject to the provisions of this Act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows:

- (a) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not), there is an implied condition that the goods shall

shall be reasonably fit for such purpose, provided that in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose;

- (b) Where goods are bought by description from the seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality; provided that if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed;
- (c) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade;
- (d) An express warranty or condition does not negative a warranty or condition implied by this Act unless inconsistent therewith. (*See* Impl. Act, 56 and 57, Vict., c. 62, s. 14.)

Sale by Sample.

17.—(1) A contract of sale is a contract for sale by ^{Sale by} sample where there is a term in the contract, express or ^{sample.} implied, to that effect.

- (2) In the case of a contract for sale by sample,

Implied
conditions.

- (a) There is an implied condition that the bulk shall correspond with the sample in quality;
- (b) There is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample; and
- (c) There is an implied condition that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample. (*See* Impl. Act, 56 and 57 Vict., c. 62, s.15.)

PART II.

EFFECTS OF THE CONTRACT.

Transfer of Property as Between Seller and Buyer.

Goods
must be
ascertained.

18. Where there is a contract for the sale of unascertained goods, no property in the goods is transferred to the buyer unless and until the goods are ascertained. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 16.)

Property
passes
where
intended
to pass.

19.—(1) Where there is a contract for the sale of specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

Ascertain-
ing inten-
tion.

(2) For the purpose of ascertaining the intention of the parties regard shall be had to the terms of the contract, the conduct of the parties and the circumstances of the case. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 17.)

Rules for
ascertaining
intention.

20. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:—

- (a) Rule 1.—Where there is an unconditional contract for the sale of specific goods in a deliverable state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment or the time of delivery or both be postponed.
- (b) Rule 2.—Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing be done, and the buyer has notice thereof.
- (c) Rule 3.—Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to weigh, measure, test or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing be done and the buyer has notice thereof.
- (d) Rule 4.—When goods are delivered to the buyer on approval or “on sale or return” or other similar terms, the property therein passes to the buyer:

(i)

- (i) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;
 - (ii) If he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.
- (e) Rule 5—(i) Where there is a contract for the sale of unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.
- (ii) Where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not), for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 18.*)

21.—(1) Where there is a contract for the sale of specific goods or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled. In such case, notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is *prima facie* deemed to reserve the right of disposal.

(3) Where the seller of goods draws on the buyer for the price, and transmits the bill of exchange and bill of lading to the buyer together to secure acceptance or payment, of the bill of exchange, the buyer is bound to return the bill

Reserva-
tion of
right of
disposal.

Goods
deliverable
to order
of seller.

Where
seller
draws on
buyer and
sends
draft with
bill of
lading.

of lading if he does not honour the bill of exchange, and if he unlawfully retains the bill of lading the property in the goods does not pass to him. (See Impl. Act, 56 and 57 Vict., c. 62, s. 19.)

Risk
prima facie
passes
with pro-
perty.

22. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not, provided:

- (a) That where delivery has been delayed through the fault of either the buyer or seller, the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault;
- (b) That nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party. (See Impl. Act, 56 and 57 Vict., c. 62, s. 20.)

TRANSFER OF TITLE.

Sale by
person
other than
owner.

23. Subject to the provisions of this Act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

Proviso.

Provided that nothing in this Act shall affect,—

Rev. Stat.,
c. 137.

- (a) The provisions of *The Factors Act* or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof;
- (b) The validity of any contract of sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction. (See Impl. Act, 56 and 57 Vict., c. 62, s. 21.)

Law as to
market
overt not
to apply.

24. The law relating to market overt shall not apply to any sale of goods which takes place in Ontario. (See as to sales in market overt, Impl. Act, 56 and 57 Vict., c. 62, s. 22.)

Sale under
voidable
title.

25. When the seller of goods has a voidable title thereto but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defective title. (See Impl. Act, 56 and 57 Vict., c. 62, s. 23.)

26.—(1) Where a person having sold goods continues or is in possession of the goods or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same. Seller in possession after sale.

(2) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner. Buyer in possession after sale.

(3) In this section the term “mercantile agent” shall mean a mercantile agent having, in the customary course of his business as such agent, authority either to sell goods or to consign goods for the purpose of sale, or to buy goods, or to raise money on the security of goods. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 25.*) “Mercantile agent,”
Rev. Stat.,
c. 137.

PART III.

PERFORMANCE OF THE CONTRACT.

27. It is the duty of the seller to deliver the goods and of the buyer to accept and pay for them in accordance with the terms of the contract of sale. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 27.*) Duties of seller and buyer.

28. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to pay the price in exchange for possession of the goods. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 28.*) Payment and delivery concurrent.

29.—(1) Whether it is for the buyer to take possession of the goods, or for the seller to send them to the buyer, is a question depending in each case on the contract, express or implied, between the parties. Rules as to delivery.

Apart from any such contract, express or implied, the place of delivery is the seller's place of business, if he has one, Deliveries. In absence of contract.

one, and, if not, his residence; provided that if the contract be for the sale of specific goods which to the knowledge of the parties, when the contract is made, are in some other place, then that place is the place of delivery.

Where
no time
for deliv-
ery fixed.

(2) Where under the contract of sale the seller is bound to send the goods to the buyer but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

Where
goods in
possession
of third
person.

(3) Where the goods at the time of sale are in the possession of a third person, there is no delivery by the seller to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf; provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

Demand
or tender
of deliv-
ery.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

Expenses
of putting
goods in
deliver-
able state.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods in a deliverable state must be borne by the seller. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 29.)

Delivery
of wrong
quantity.

30.—(1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he must pay for them at the contract rate.

Where
quantity
larger
than con-
tracted for.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract, and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

Goods
not in
accord-
ance with
contract.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

Exceptions
as to trade
customs,
etc.

(4) The provisions of this section are subject to any usage of trade, special agreement or course of dealing between the parties. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 30.)

Delivery
by instal-
ments.

31.—(1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

(2)

(2) Where there is a contract for the sale of goods to be delivered by stated instalments which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or fails to deliver one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case whether the breach of contract is a repudiation of the whole contract, or whether it is a severable breach giving rise to a claim for compensation but not to a right to treat the whole contract as repudiated. (See Impl. Act, 56 and 57 Vict., c. 62, s. 31.)

32.—(1) Where, in pursuance of a contract of sale, the seller is authorized or required to send the goods to the buyer, the delivery of the goods to a common carrier whether named by the buyer or not, for the purpose of transmission to the buyer, is *prima facie* deemed to be a delivery of the goods to the buyer. Where instalments are not delivered as contracted for. Delivery to carrier.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the common carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself or may hold the seller responsible in damages. (See Impl. Act, 56 and 57 Vict., c. 62, s. 32.) Seller's contract with carrier.

33. Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit. (See Impl. Act, 56 and 57 Vict., c. 62, s. 33.) Agreement for delivery elsewhere than at place of sale.

34.—(1) Where goods are delivered to the buyer which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract. Right of buyer as to examination.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract. (See Impl. Act, 56 and 57 Vict., c. 62, s. 34.) Seller to afford opportunity for examination.

35. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him and he does any act in relation to them which is inconsistent with the ownership of

of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 35.*)

Effect of
refusal to
accept.

36. Unless otherwise agreed, where goods are delivered to the buyer and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 36.*)

Wrongful
neglect or
refusal to
take de-
livery.

37. When the seller is ready and willing to deliver the goods and requests the buyer to take delivery, and the buyer does not, within a reasonable time after such request, take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods, provided that nothing in this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 37.*)

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

General Rights.

"Unpaid
seller."

38.—(1) The seller of goods is deemed to be an "unpaid seller" within the meaning of this Act—

- (a) When the whole of the price has not been paid or tendered;
- (b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise.

"Seller."

(2) In this part of this Act the term "seller" includes any person who is in the position of a seller, as for instance, an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid or is directly responsible for the price. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 38.*)

Rights of
unpaid
seller.

39.—(1) Subject to the provisions of this Act and of any statute in that behalf, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law—

Lien.

- (a) A lien on the goods or right to retain them for the price while he is in possession of them;

(b)

- (b) In case of the insolvency of the buyer, a right of ^{Stoppage} stopping the goods in transitu after he ^{in tran-} has ^{situ.} parted with the possession of them;

(c) A right of re-sale as limited by this Act.

Re-sale.

(2) Where the property in goods has not passed to the ^{Withhold-} buyer the unpaid seller has, in addition to his other ^{ing de-} remedies, a right of withholding delivery similar to and co-^{livery.} extensive with the rights of lien and stoppage in transitu where the property has passed to the buyer. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 39.*)

Unpaid Seller's Lien.

40.—(1) Subject to the provisions of this Act, the un-^{Unpaid} paid seller of goods who is in possession of them is entitled ^{seller's} to retain possession of them until payment or tender of the ^{lien.} price in the following cases, namely:

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit but the term of credit has expired;

(c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or ^{Seller in} bailee for the buyer. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 41.*) ^{possession} ^{as agent.}

41. Where an unpaid seller has made part delivery of the goods he may exercise his right of lien or retention on the remainder unless such part delivery has been made under ^{Where} such circumstances as to show an agreement to waive the ^{part de-} lien or right of retention. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 42.*) ^{livery} ^{has been} ^{made.}

42.—(1) The unpaid seller of goods loses his lien or ^{Termina-} right of retention thereon— ^{tion of} ^{lien.}

(a) When he delivers the goods to a common carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods;

(b) When the buyer or his agent lawfully obtains possession of the goods;

(c) By waiver thereof.

(2) The unpaid seller of goods having a lien or right of retention thereon, does not lose his lien or right of retention by reason only that he has obtained judgment for the price ^{Lien not} of the goods. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 43.*) ^{lost by} ^{obtaining} ^{judgment} ^{for price.}

Stoppage

Stoppage in Transitu.

Right of
stoppage
in tran-
situ.

43. Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods, has the right of stopping them in transitu, that is to say he may resume possession of the goods as long as they are in course of transit, and may retain them until payment or tender of the price. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 44.*)

Duration
of transit.

44.—(1) Goods are deemed to be in course of transit from the time when they are delivered to a common carrier by land or water or other bailee, for the purpose of transmission to the buyer, until the buyer or his agent in that behalf takes delivery of them from such common carrier or other bailee.

Buyer
obtaining
delivery.

(2) If the buyer or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.

Carrier
holding
goods to
buyer's
order.

(3) If, after the arrival of the goods at the appointed destination, the common carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer, or his agent, the transit is at an end, and it is immaterial that a further destination for the goods may have been indicated by the buyer.

Rejected
goods.

(4) If the goods are rejected by the buyer and the common carrier or other bailee continues in possession of them, the transit is not deemed to be at an end even if the seller has refused to receive them back.

Ship
chartered
by buyer.

(5) When goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a common carrier, or as agent to the buyer.

Wrongful
refusal
to deliver.

(6) Where the common carrier or other bailee wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf, the transit is deemed to be at an end.

Where
part de-
livery
has been
made.

(7) Where part delivery of the goods has been made to the buyer or his agent in that behalf, the remainder of the goods may be stopped in transitu unless such part delivery has been made under such circumstances as to show an agreement to give up possession of the whole of the goods. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 45.*)

45.—(1) The unpaid seller may exercise his right of stoppage in transitu either by taking actual possession of the goods or by giving notice of his claim to the common carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the common carrier or other bailee in possession of the goods, he must re-deliver the goods to or according to the directions of the seller. The expenses of such re-delivery must be borne by the seller. (See Impl. Act, 56 and 57 Vict., c. 62, s. 46.)

Re-Sale by Buyer or Seller.

46. Subject to the provisions of this Act, the unpaid seller's right of lien or retention or stoppage in transitu is not affected by any sale or other disposition of the goods which the buyer may have made, unless the seller has assented thereto. Provided that, where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, then, if such last-mentioned transfer was by way of sale the unpaid seller's right of lien or retention or stoppage in transitu is defeated, and if such last-mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or retention or stoppage in transitu can only be exercised subject to the rights of the transferee. (See Impl. Act, 56 and 57 Vict., c. 62, s. 47.)

47.—(1) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage in transitu.

(2) Where an unpaid seller who has exercised his right of lien or retention or stoppage in transitu, re-sells the goods, the buyer acquires a good title thereto as against the original buyer.

(3) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to re-sell, and the buyer does not, within a reasonable time, pay or tender the price, the unpaid seller may re-sell the goods

and

and recover from the original buyer damages for any loss occasioned by his breach of contract.

Where
re-sale
rescinds
contract.

(4) Where the seller expressly reserves a right of re-sale in case the buyer should make default, and on the buyer making default, re-sells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim the seller may have for damages. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 48.)

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.

Remedies of the Seller.

Action for
price.

48.—(1) Where, under a contract of sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may maintain an action against him for the price of the goods.

Where
property
in goods
has not
passed.

(2) Where, under a contract of sale, the price is payable on a day certain, irrespective of delivery, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price although the property in the goods has not passed, and the goods have not been appropriated to the contract. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 49.)

Action for
non-accept-
ance.

49.—(1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

Measure
of dam-
ages.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

Difference
in price.

(3) Where there is an available market for the goods in question, the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 50.)

Remedies of the Buyer.

Damages
for non-
delivery.

50.—(1) Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery.

(2)

(2) The measure of damages is the estimated loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract. ^{Measure of damages.}

(3) Where there is an available market for the goods in question, the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver. (See Impl. Act, 56 and 57 Vict., c. 62, s. 51.) ^{Difference in price.}

51. In any action for breach of contract to deliver specific or ascertained goods, the court may, if it thinks fit, direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on payment of damages, and may impose such terms and conditions as to damages, payment of the price, and otherwise, as to the court may seem just. (See Impl. Act, 56 and 57 Vict., c. 62, s. 52.) ^{Specific performance.}

52.—(1) Where there is a breach of warranty by the seller, or where the buyer elects, or is compelled, to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods, but he may ^{Breach of warranty.}

(a) set up against the seller the breach of warranty in diminution or extinction of the price; or

(b) maintain an action against the seller for damages for the breach of warranty.

(2) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting in the ordinary course of events, from the breach of warranty. ^{Measure of damages.}

(3) In the case of breach of warranty of quality such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty. ^{Breach of warranty as to quality.}

(4) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage. (See Impl. Act, 56 and 57 Vict., c. 62, s. 53.) ^{Right of action.}

53. Nothing in this Act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed. (See Impl. Act, 56 and 57 Vict., c. 62, s. 54.) ^{Other rights of buyer preserved.}

PART VI.

SUPPLEMENTARY.

Exclusion
of implied
laws and
conditions.

54. Where any right, duty or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by usage, if the usage be such as to bind both parties to the contract. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 55.)

"Reason-
able time"
a question
of fact.

55. Where by this Act any reference is made to a "reasonable time," the question of what is a reasonable time is a question of fact. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 56.)

Rights
enforceable
by action.

56. Where any right, duty or liability is declared by this Act, it may, unless otherwise by this Act provided, be enforced by action. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 57.)

Sales
by auction.

57. In case of a sale by auction—

- (a) Where goods are put up for sale in lots, each lot is *prima facie* deemed to be the subject of a separate contract of sale;
- (b) A sale is complete when the auctioneer announces its completion by the fall of a hammer or in any other customary manner; and until such announcement is made any bidder may retract his bid;
- (c) Where a sale is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person; and any sale contravening this rule may be treated as fraudulent by the buyer;
- (d) A sale may be notified to be subject to a reserved or upset price, and a right to bid may also be reserved expressly by or on behalf of the seller;
- (e) Where a right to bid is expressly reserved, but not otherwise, the seller, or any one person on his behalf, may bid at the auction. (*See* Impl. Act, 56 and 57 Vict., c. 62, s. 58.)

Application
of common
law and
law
merchant.

58.—(1) The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, and in particular the rules relating

relating to the law of principal and agent and the effect of fraud, misrepresentation, duress or coercion, mistake or other invalidating cause, shall continue to apply to contracts for the sale of goods.

(2) Nothing in this Act shall affect enactments relating ^{Bills of sale, etc.,} to conditional sales, bills of sale or chattel mortgages, or any ^{not affected.} enactment relating to the sale of goods which is not expressly repealed by this Act.

(3) The provisions of this Act relating to contracts of ^{Act not to apply to} sale do not apply to any transaction in the form of a contract ^{mortgages, etc.} of sale which is intended to operate by way of mortgage, pledge, charge or other security. (*See Impl. Act, 56 and 57 Vict., c. 62, s. 61.*)

59. The following enactments are repealed, namely:— Repeal.

Section 12 of *The Statute of Frauds*, being chapter 102 of the Revised Statutes of Ontario, 1914;

Sections 9, 10 and 11 of *The Factors Act*, being chapter 137 of the Revised Statutes of Ontario, 1914, but such repeal shall not affect anything done or conferred, or any right, title or interest agreed upon before the commencement of this Act or any legal proceedings in respect of such right, title or interest.

60. This Act shall come into force and take effect on and from the 1st day of July, 1920.

CHAPTER 41.

An Act to codify the Law relating to
Partnership.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Partnership Act, 1920*.

Interpre-
tation. **2.**—(1) In this Act,—

“Business.” (a) “Business” shall include every trade, occupation and profession;

“Court.” (b) “Court” shall include every court and judge having jurisdiction in the case.

“Insolvent”
and “In-
solvency.” (2) A person shall be deemed to be “insolvent” within the meaning of this Act if he has been adjudged a bankrupt under *The Bankruptcy Act*, or he has made an assignment for the general benefit of his creditors and “insolvency” shall have a meaning corresponding with “insolvent.” (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 45.)

NATURE OF PARTNERSHIP.

Definition of
partnership. **3.** Partnership is the relation which subsists between persons carrying on a business in common with a view of profit, but the relation between the members of any company or association which is incorporated by or under the authority of any special or general Act in force in Ontario or elsewhere, or registered as a corporation under any such Act, is not a partnership within the meaning of this Act. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 1.)

Rules for
determining
existence of
partnership. **4.** In determining whether a partnership does or does not exist, regard shall be had to the following rules:—

1.

1. Joint tenancy, tenancy in common, joint property common property, or part ownership does not of itself create a partnership as to anything so held or owned, whether the tenants or owners do or do not share any profits made by the use thereof.
2. The sharing of gross returns does not of itself create a partnership, whether the persons sharing such returns have or have not a joint or common right or interest in any property from which or from the use of which the returns are derived.
3. The receipt by a person of a share of the profits of a business, is *prima facie* evidence that he is a partner in the business, but the receipt of such a share or payment, contingent on or varying with the profits of a business, does not of itself make him a partner in the business; and in particular
 - (a) The receipt by a person of a debt or other liquidated amount by instalments or otherwise out of the accruing profits of a business does not of itself make him a partner in the business or liable as such;
 - (b) A contract for the remuneration of a servant or agent or a person engaged in a business by a share of the profits of the business does not of itself make the servant or agent a partner in the business or liable as such;
 - (c) A person being the widow or child of a deceased partner, and receiving by way of annuity a portion of the profits made in the business in which the deceased person was a partner, is not by reason only of such receipt a partner in the business or liable as such;
 - (d) The advance of money by way of loan to a person engaged or about to engage in any business on a contract with that person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on the business, does not of itself make the lender a partner with the person or persons carrying on the business or liable as such, providing that the contract is in writing and signed by or on behalf of all parties thereto;

(e)

- (e) A person receiving by way of annuity or otherwise a portion of the profits of a business in consideration of the sale by him of the goodwill of the business, is not by reason only of such receipt a partner in the business or liable as such. (*See Impl. Act, 53 and 54 Vict., c. 39, s. 2.*)

Postponement of rights of person lending or selling in consideration of share of profits in case of insolvency.

5. In the event of any person to whom money has been advanced by way of loan upon such a contract as is mentioned in section 4, or to any buyer of the goodwill in consideration of a share of the profits of the business becoming insolvent or entering into an arrangement to pay his creditors less than one hundred cents in the dollar or dying in insolvent circumstances, the lender of the loan shall not be entitled to recover anything in respect of his loan, and the seller of the goodwill shall not be entitled to recover anything in respect of the share of profits contracted for until the claims of the other creditors of the borrower or buyer, for valuable consideration in money or money's worth, have been satisfied. (*See Impl. Act, 53 and 54 Vict., c. 39, s. 3.*)

Meaning of firm.

6. Persons who have entered into partnership with one another are, for the purposes of this Act, called collectively a firm, and the name under which their business is carried on is called the firm name. (*See Impl. Act, 53 and 54 Vict., c. 39, s. 4.*)

Power of partner to bind firm.

7. Every partner is an agent of the firm and his other partners for the purpose of the business of the partnership, and the acts of every partner who does any act for carrying on in the usual way business of the kind carried on by the firm of which he is a member, bind the firm and his partners unless the partner so acting has in fact no authority to act for the firm in the particular matter, and the person with whom he is dealing either knows that he has no authority, or does not know or believe him to be a partner. (*See Impl. Act, 53 and 54 Vict., c. 39, s. 5.*)

Partners bound by acts on behalf of firm.

8. An act or instrument relating to the business of the firm and done or executed in the firm name, or in any other manner showing an intention to bind the firm by any person thereto authorized, whether a partner or not, is binding on the firm and all the partners, provided that this section shall not affect any general rule of law relating to the execution of deeds or negotiable instruments. (*See Impl. Act, 53 and 54 Vict., c. 39, s. 6.*)

Partner using credit of firm for private purposes.

9. Where one partner pledges the credit of the firm for a purpose apparently not connected with the firm's ordinary course of business, the firm is not bound, unless he is in fact specially

specially authorized by the other partners, but this section does not affect any personal liability incurred by an individual partner. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 7.)

10. If it has been agreed between the partners that any restrictions shall be placed on the power of any one or more of them to bind the firm, no act done in contravention of the agreement is binding on the firm with respect to persons having notice of the agreement. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 8.)

Effect of notice that firm will not be bound by act of partner.

11. Every partner in a firm is liable jointly with the other partners for all debts and obligations of the firm incurred while he is a partner, and after his death his estate is also severally liable in a due course of administration for such debts and obligations so far as they remain unsatisfied, but subject to the prior payment of his separate debts. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 9.)

Liability of partners.

12. Where by any wrongful act or omission of any partner acting in the ordinary course of the business of the firm, or with the authority of his co-partners, loss or injury is caused to any person not being a partner of the firm, or any penalty is incurred, the firm is liable therefor to the same extent as the partner so acting or omitting to act. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 10.)

Liability of the firm for wrongs.

13. In the following cases, namely:—

- (a) Where one partner, acting within the scope of his apparent authority, receives the money or property of a third person and misapplies it; and
- (b) Where a firm in the course of its business receives money or property of a third person, and the money or property so received is misapplied by one or more of the partners while it is in the custody of the firm,

Misapplication of money or property received for or in custody of the firm.

the firm is liable to make good the loss. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 11.)

14. Every partner is liable jointly with his co-partners and also severally for everything for which the firm, while he is a partner therein, becomes liable under either of the two last preceding sections. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 12.)

Liability for wrongs joint and several.

15. If a partner, being a trustee, improperly employs trust property in the business or on the account of the partnership, no other partner is liable for the trust property to the persons beneficially interested therein, but

Improper employment of trust property for partnership purposes.

(a)

(a) This section shall not affect any liability incurred by any partner by reason of his having notice of a breach of trust; and

(b) Nothing in this section shall prevent trust money from being followed and recovered from the firm if still in its possession or under its control. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 13.)

Persons
liable by
"holding
out."

16.—(1) Every one who by words spoken or written or by conduct represents himself, or who knowingly suffers himself to be represented as a partner in a particular firm, is liable as a partner to any one who has on the faith of any such representation given credit to the firm, whether the representation has or has not been made or communicated to the persons so giving credit by or with the knowledge of the apparent partner making the representation or suffering it to be made.

Proviso.

(2) Provided that where after a partner's death the partnership business is continued in the old firm name, the continued use of that name or of the deceased partner's name as part thereof shall not of itself make his executor's or administrator's estate or effects liable for any partnership debts contracted after his death. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 14.)

Admissions
and repre-
sentations of
partners.

17. An admission or representation made by any partner concerning the partnership affairs, and in the ordinary course of its business, is evidence against the firm. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 15.)

Notice to
acting
partner to be
notice to the
firm.

18. Notice to any partner who habitually acts in the partnership business of any matter relating to partnership affairs operates as notice to the firm, except in the case of a fraud on the firm committed by or with the consent of the partner. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 16.)

Liability
commences
with ad-
mission to
firm.

19.—(1) A person who is admitted as a partner into an existing firm does not thereby become liable to the creditors of the firm for anything done before he became a partner.

Liability for
debts, etc.,
incurred
before
retirement.

(2) A partner who retires from a firm does not thereby cease to be liable for partnership debts or obligations incurred before his retirement.

Agreement
discharging
retiring
partner.

(3) A retiring partner may be discharged from any existing liabilities by an agreement to that effect between himself and the members of the firm as newly constituted and the creditors, and this agreement may be either express or inferred as a fact from the course of dealing between the creditors and the firm as newly constituted. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 17.)

20. A continuing guaranty or cautionary obligation given either to a firm or to a third person in respect of the transactions of a firm is, in the absence of agreement to the contrary, revoked as to future transactions by any change in the constitution of the firm to which, or of the firm in respect of the transaction of which the guaranty or obligation was given. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 18.)

Revocation of continuing guaranty by change in firm.

RELATION OF PARTNERS TO ONE ANOTHER.

21. The mutual rights and duties of partners, whether ascertained by agreement or defined by this Act, may be varied by the consent of all the partners, and such consent may be either expressed or inferred from a course of dealing. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 19.)

Variation by consent of terms of partnership.

22.—(1) All property and rights and interests in property originally brought into the partnership stock or acquired, whether by purchase or otherwise, on account of the firm, or for the purposes and in the course of the partnership business, are called in this Act partnership property, and must be held and applied by the partners exclusively for the purposes of the partnership and in accordance with the partnership agreement.

Partnership property.

(2) Provided that the legal estate or interest in any land which belongs to the partnership shall devolve according to the nature and tenure thereof, and the general rules of law thereto applicable, but in trust, so far as necessary, for the persons beneficially interested in the land under this section.

Devolution of land.

(3) Where co-owners of an estate or interest in any land not being itself partnership property, are partners as to profits made by the use of that land or estate, and purchase other land or estate out of the profits to be used in like manner, the land or estate so purchased belongs to them, in the absence of an agreement to the contrary, not as partners, but as co-owners for the same respective estates and interests as are held by them in the land or estate first mentioned at the date of the purchase. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 20.)

Co-owners of land.

23. Unless the contrary intention appears, property bought with money belonging to the firm is deemed to have been bought on the account of the firm. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 21.)

Property bought with partnership money.

24. Where land or any heritable interest therein has become partnership property, it shall, unless the contrary intention appears, be treated as between the partners (including the representatives of a deceased partner) and also as between the heirs of a deceased partner and his executors

Conversion of land bought with partnership money into personality.

or administrators as personal or movable and not real or heritable estate. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 22).

Rules as to
interests
and duties
of partners.

25. The interests of partners in the partnership property and their rights and duties in relation to the partnership shall be determined, subject to any agreement express or implied between the partners, by the following rules:—

1. All the partners are entitled to share equally in the capital and profits of the business, and must contribute equally towards the losses, whether of capital or otherwise, sustained by the firm.
2. The firm must indemnify every partner in respect of payments made and personal liabilities incurred by him:
 - (a) In the ordinary and proper conduct of the business of the firm; or
 - (b) In or about anything necessarily done for the preservation of the business or property of the firm.
3. A partner making, for the purpose of the partnership, any actual payment or advance beyond the amount of capital which he has agreed to subscribe, is entitled to interest at the rate of five per cent. per annum from the date of the payment or advance.
4. A partner is not entitled, before the ascertainment of profits, to interest on the capital subscribed by him.
5. Every partner may take part in the management of the partnership business.
6. No partner shall be entitled to remuneration for acting in the partnership business.
7. No person may be introduced as a partner without the consent of all existing partners.
8. Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners, but no change may be made in the nature of the partnership business without the consent of all existing partners.
9. The partnership books are to be kept at the place of business of the partnership (or the principal place, if there is more than one), and every

partner

partner may, when he thinks fit, have access to and inspect and copy any of them. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 24.)

26. No majority of the partners can expel any partner unless a power to do so has been conferred by express agreement between the partners. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 25.) Expulsion of partner.

27.—(1) Where no fixed term has been agreed upon for the duration of the partnership, any partner may determine the partnership at any time on giving notice of his intention so to do to all the other partners. Retirement from partnership at will.

(2) Where the partnership has originally been constituted by deed, a notice in writing, signed by the partner giving it, shall be sufficient for this purpose. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 26.) Notice of retirement.

28.—(1) Where a partnership, entered into for a fixed term, is continued after the term has expired, and without any express new agreement, the rights and duties of the partners remain the same as they were at the expiration of the term, so far as is consistent with the incidents of a partnership at will. Presumption of continuance after expiry of term.

(2) A continuance of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is presumed to be a continuance of the partnership. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 27.) Arises from continuance of business.

29. Partners are bound to render true accounts and full information of all things affecting the partnership to any partner or his legal representatives. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 28.) Duty as to rendering accounts.

30.—(1) Every partner must account to the firm for any benefit derived by him without the consent of the other partners from any transaction concerning the partnership, or from any use by him of the partnership property name or business connection. Accountability for private profits.

(2) This section applies also to transactions undertaken after a partnership has been dissolved by the death of a partner, and before the affairs thereof have been completely wound up, either by any surviving partner or by the representatives of the deceased partner. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 29.) Extends to survivors and representatives of deceased.

31. If a partner, without the consent of the other partners, carries on any business of the same nature as and competing with that of the firm, he must account for and pay over Duty of partner not to compete with firm.

over to the firm all profits made by him in that business. (See Impl. Act, 53 and 54 Vict., c. 39, s. 30.)

Rights of
assignee of
share in
partnership.

32.—(1) An assignment by any partner of his share in the partnership, either absolute or by way of mortgage or redeemable charge, does not, as against the other partners, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to acquire any accounts of the partnership transactions, or to inspect the partnership books, but entitles the assignee only to receive the share of profits to which the assigning partner would otherwise be entitled, and the assignee must accept the account of profits agreed to by the partners.

On dissolution.

(2) In the case of a dissolution of the partnership, whether as respects all the partners or as respects the assigning partner, the assignee is entitled to receive the share of the partnership assets to which the assigning partner is entitled as between himself and the other partners, and, for the purpose of ascertaining that share, to an account as from the date of the dissolution. (See Impl. Act, 53 and 54 Vict., c. 39, s. 31.)

DISSOLUTION OF PARTNERSHIP AND ITS CONSEQUENCES.

Dissolution
by expiry of
term or
notice.

33. Subject to any agreement between the partners, a partnership is dissolved:

- (a) If entered into for a fixed term, by the expiration of that term;
- (b) If entered into for a single adventure or undertaking, by the termination of that adventure or undertaking;
- (c) If entered into for an undefined time, by any partner giving notice to the other or others of his intention to dissolve the partnership.

Date from
which
notice takes
effect.

In the last-mentioned case, the partnership is dissolved as from the date mentioned in the notice as the date of dissolution, or, if no date is so mentioned, as from the date of the communication of the notice. (See Impl. Act, 53 and 54 Vict., c. 39, s. 32.)

Dissolution
by death or
insolvency
of partner.

34.—(1) Subject to any agreement between the partners, every partnership is dissolved as regards all the partners by the death or insolvency of any partner.

Where
partner's
share
charged for
separate
debt.

(2) A partnership may, at the option of the other partners, be dissolved if any partner suffers his share of the partnership property to be charged under this Act for his separate debt. (See Impl. Act, 53 and 54 Vict., c. 39, s. 33.)

35. A partnership is in every case dissolved by the happening of any event which makes it unlawful for the business of the firm to be carried on or for the members of the firm to carry it on in partnership. (See Impl. Act, 53 and 54 Vict., c. 39, s. 34.) By illegality of business.

36. On application by a partner the court may order a dissolution of the partnership in any of the following cases: By the court.

- (a) When a partner is found lunatic by inquisition, or is shown to the satisfaction of the court to be of permanently unsound mind, in either of which cases the application may be made as well on behalf of that partner by his committee or next friend or person having title to intervene as by any other partner;
- (b) When a partner, other than the partner suing, becomes in any other way permanently incapable of performing his part of the partnership contract;
- (c) When a partner, other than the partner suing, has been guilty of such conduct as, in the opinion of the court, regard being had to the nature of the business, is calculated to prejudicially affect the carrying on of the business;
- (d) When a partner, other than the partner suing, wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable for the other partner or partners to carry on the business in partnership with him;
- (e) When the business of the partnership can only be carried on at a loss;
- (f) Whenever in any case circumstances have arisen which, in the opinion of the court, render it just and equitable that the partnership be dissolved. (See Impl. Act, 53 and 54 Vict., c. 39, s. 35.)

37.—(1) Where a person deals with a firm after a change in its constitution, he is entitled to treat all apparent members of the old firm as still being members of the firm until he has notice of the change. Rights of persons dealing with firm against apparent members.

(2) An advertisement in *The Ontario Gazette* shall be notice as to persons who had not dealings with the firm before the dissolution or change so advertised. Notice.

Estate of
dead or in-
solvent
partner how
far liable.

(3) The estate of a partner who dies, or who becomes insolvent, or of a partner who, not having been known to the person dealing with the firm to be a partner, retires from the firm, is not liable for partnership debts contracted after the date of the death, insolvency, or retirement respectively. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 36.)

Right to
give notice
of dissolu-
tion.

38. On the dissolution of a partnership or retirement of a partner, any partner may publicly notify the same, and may require the other partner or partners to concur for that purpose in all necessary or proper acts, if any, which cannot be done without his or their concurrence. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 37.)

Continuing
authority of
partners for
purposes of
winding up.

39. After the dissolution of a partnership, the authority of each partner to bind the firm, and the other rights and obligations of the partners continue notwithstanding the dissolution so far as may be necessary to wind up the affairs of the partnership, and to complete transactions begun but unfinished at the time of the dissolution, but not otherwise.

Provided that the firm is in no case bound by the acts of a partner who has become insolvent; but this proviso does not affect the liability of any person who has, after the insolvency, represented himself or knowingly suffered himself to be represented as a partner of the insolvent. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 38.)

Rights of
partners as
to applica-
tion of
partnership
property.

40. On the dissolution of a partnership every partner is entitled, as against the other partners in the firm, and all persons claiming through them in respect of their interests as partners, to have the property of the partnership applied in payment of the debts and liabilities of the firm, and to have the surplus assets after such payment applied in payment of what may be due to the partners respectively after deducting what may be due from them as partners to the firm; and for that purpose any partner or his representatives may, on the termination of the partnership, apply to the court to wind up the business and affairs of the firm. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 39.)

Apportion-
ment of
premium on
premature
dissolution.

41. Where one partner has paid a premium to another on entering into a partnership for a fixed term, and the partnership is dissolved before the expiration of that term, otherwise than by the death of a partner, the court may order the repayment of the premium, or of such part thereof as it thinks just, having regard to the terms of the partnership contract and to the length of time during which the partnership has continued; unless

(a) the dissolution is, in the judgment of the court, wholly or chiefly due to the misconduct of the partner who paid the premium; or

(b)

- (b) the partnership has been dissolved by an agreement containing no provision for a return of any part of the premium. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 40.)

42. Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled—

Rights where partnership dissolved for fraud or misrepresentations.

- (a) To a lien on, or right of retention of, the surplus of the partnership assets, after satisfying the partnership liabilities, for any sum of money paid by him for the purchase of a share in the partnership and for any capital contributed by him; and is
- (b) To stand in the place of the creditors of the firm for any payments made by him in respect of the partnership liabilities; and
- (c) To be indemnified by the person guilty of the fraud or making the representation against all the debts and liabilities of the firm. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 41.)

43.—(1) Where any member of a firm has died or otherwise ceased to be a partner, and the surviving or continuing partners carry on the business of the firm with its capital or assets without any final settlement of accounts as between the firm and the outgoing partner or his estate, then, in the absence of any agreement to the contrary, the outgoing partner or his estate is entitled, at the option of himself or his representatives, to such share of the profits made since the dissolution as the court may find to be attributable to the use of his share of the partnership assets, or to interest at the rate of five per cent. per annum on the amount of his share of the partnership assets.

Right of out-going partner as to share in profits after dissolution.

(2) Provided that where by the partnership contract an option is given to surviving or continuing partners to purchase the interest of a deceased or outgoing partner, and that option is duly exercised, the estate of the deceased partner, or the outgoing partner or his estate, as the case may be, is not entitled to any further or other share of profits; but if any partner, assuming to act in exercise of the option, does not in all material respects comply with the terms thereof, he is liable to account under the foregoing provisions of this section. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 42.)

Proviso as to option of remaining partners to purchase share.

Retiring or
deceased
partner's
share to be
a debt.

44. Subject to any agreement between the partners, the amount due from surviving or continuing partners to an outgoing partner or the representatives of a deceased partner in respect of the outgoing or deceased partner's share, is a debt accruing at the date of the dissolution, or death. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 43.)

Rule for
distribution
of assets on
final settle-
ment of
accounts.

45. In settling accounts between the partners after a dissolution of partnership, the following rules shall, subject to any agreement, be observed:

(a) Losses, including losses and deficiencies of capital, shall be paid first out of profits, next out of capital, and lastly, if necessary, by the partners individually in the proportion in which they were entitled to share profits;

(b) The assets of the firm, including the sums, if any, contributed by the partners to make up losses or deficiencies of capital, shall be applied in the following manner and order:

1. In paying the debts and liabilities of the firm to persons who are not partners therein;
2. In paying to each partner rateably what is due from the firm to him for advances as distinguished from capital;
3. In paying to each partner rateably what is due from the firm to him in respect to capital;
4. The ultimate residue, if any, shall be divided among the partners in the proportion in which profits are divisible. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 44.)

Saving as
to rules of
equity and
common law.

46. The rules of equity and of common law, applicable to partnership, shall continue in force except so far as they are inconsistent with the express provisions of this Act. (*See* Impl. Act, 53 and 54 Vict., c. 39, s. 46.)

Act to be
subject to
Rev. Stat.,
c. 138, 139.

47. This Act shall be read and construed as subject to the provisions of *The Limited Partnership Act* and *The Partnership Registration Act*.

Commence-
ment of Act.

48. This Act shall come into force and take effect on the first day of September, 1920.

CHAPTER 42.

An Act to amend The Wages Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Wages Amendment Act*, Short title.
1920.

2. Section 7 of *The Wages Act* is repealed and the following substituted therefor:— Rev. Stat.,
c. 143,
repealed.

7.—(a) Seventy per centum of any debt due or accruing due to any mechanic, workman, labourer, servant, clerk or employee for or in respect of his wages, shall be exempt from seizure or attachment, provided however, that if a creditor of any such mechanic, workman, labourer, servant, clerk or employee, who has initiated proceedings by way of seizure or attachment of the wages of any such mechanic, workman, labourer, servant, clerk or employee, desires to contend that having regard to the nature of the debt and the circumstances of the debtor, it is unreasonable that as much as seventy per centum of such debtor's wages should be exempt, the judge may, upon a hearing of the matter, reduce the percentage of exemption herein allowed in any particular case; Extent of exemption from seizure or attachment.

(b) If the debtor desires to contend that in the circumstances of any particular case, having regard to the size of the debtor's family, the wages he is earning and any other matter or thing which the judge may deem it proper to take into account, the exemption hereby allowed should in any case be increased, the judge shall have power to increase and to make any order providing for an increase of exemption which he may consider just and reasonable under all the circumstances; Proviso—
reduction of exemption.

(c)

Summary
determina-
tion.

- (c) In case of garnishment or attachment of wages either the debtor or creditor may, without awaiting the regular sittings of the court, apply to the judge upon at least five days' notice in writing to the other party or his solicitor for an order, finally disposing of the matter and upon the making of such order and the fixing thereby of the amount of the debtor's exemption, there shall, if the employer of the debtor has paid the whole or any part of the debtor's wages into court, be forthwith paid out of court to the debtor whatever sum shall have been allowed to the debtor by the judge by way of exemption in case the amount paid in equals or exceeds the amount so allowed, and in case the amount paid in is less than the amount so allowed the whole amount paid in shall be paid out to the debtor.

CHAPTER 43.

An Act to amend The Workmen's Compensation Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Workmen's Compensation Act, 1920.* Short title.

2. The maximum amount which may be allowed as necessary expenses of burial of a workman whose death results from injury in respect of which compensation is payable under *The Workmen's Compensation Act* is increased from \$75 to \$125, and the clause lettered (a) in subsection 1 of section 33 of *The Workmen's Compensation Act* is amended by striking out the figures "\$75" and substituting therefor the figures "\$125." Burial expenses, increase in maximum.
¹ Geo. V, c. 25, s. 33, subs. 1, cl. a, amended.

3. The monthly payment to be made to a widow or invalid husband who is the sole dependent entitled to compensation under *The Workmen's Compensation Act* is increased from \$30, but not exceeding 55 per cent. of the average earnings of the workman, to \$40 but not exceeding 66 $\frac{2}{3}$ per cent. of the average monthly earnings of the workman, and clause lettered (b) in subsection 1 of section 33 of *The Workmen's Compensation Act* is amended by striking out the figures "\$30" and substituting therefor the figures "\$40." Monthly payment to widow or invalid husband increased.
¹ Geo. V, c. 25, s. 33, subs. 1, cl. b, amended.

4. The monthly payments to be made where the dependents entitled to compensation under *The Workmen's Compensation Act* are a widow or an invalid husband and one or more children are increased from \$30 with an additional \$7.50, to be increased upon the death of the widow or invalid husband to \$10, for each child under 16, but not exceeding in the whole \$60 and not exceeding 55 per cent. of the average earnings of the workman to \$40 with an additional \$10 for Monthly payments to widow or invalid husband and infant children.

each

1 Geo. V.
c. 25, s. 33,
subs. 1, cl. c,
amended.

each child under the age of 16 but not exceeding in the whole $66\frac{2}{3}$ per cent. of the average monthly earnings of the workman, and clause (c) in subsection 1 of section 33 of *The Workmen's Compensation Act* is amended by striking out the figures "\$30" and substituting therefor the figures "\$40," by striking out the figures "\$7.50" and substituting therefor the figures "\$10," by striking out the words "to be increased upon the death of the widow or invalid husband to \$10," and by striking out the words "not exceeding in the whole \$60."

Monthly
payments
where
dependents
are
children.

5. The monthly payments to be made where the dependents entitled to compensation under *The Workmen's Compensation Act* are children are increased from \$10 to each child under the age of 16 years, but not exceeding in the whole \$60, and not exceeding 55 per cent. of the average earnings of the workman, to \$15 to each child under the age of 16 years, but not exceeding in the whole $66\frac{2}{3}$ per cent. of the average earnings of the workman, and clause (d) in subsection 1 of section 33 of *The Workmen's Compensation Act* is amended by striking out the figures "\$10" and substituting therefor the figures "\$15" and by striking out the words "not exceeding in the whole \$60."

4 Geo. V.
c. 25, s. 33,
subs. 1, cl. d,
amended.

Limitations
as to total
amount
payable to
parents, etc.,
removed.

6. The limitation of the amount of compensation to be paid under *The Workmen's Compensation Act* where the dependents are persons other than a widow, an invalid husband, or children, to a sum not exceeding \$20 per month to the parent or parents and not exceeding in the whole \$30 per month is removed, and clause lettered (e) in subsection 1 of section 33 of *The Workmen's Compensation Act*, as enacted by section 14 of the Act passed in the 5th year of His Majesty's reign, chaptered 24, is amended by striking out the words "but not exceeding \$20 per month, and not exceeding in the whole \$30 per month" after the word "board" in the fifth line.

4 Geo. V.
c. 25, s. 33,
amended.

7. Section 33 of *The Workmen's Compensation Act* is amended by adding thereto the following subsections:—

Payment
of monthly
allowance
to foster-
mother.

- (1a) Where the workman leaves no widow or the widow subsequently dies, and it seems desirable to continue the existing household, and an aunt, sister, or other suitable person acts as foster-mother in keeping up such household and maintaining and taking care of the children entitled to compensation in a manner which the board deems satisfactory, such foster-mother while so doing shall be entitled to receive the same monthly payments of compensation for herself and the children

children as if she were widow of the deceased, and in such case the children's part of such payments shall be in lieu of the monthly payments which they would otherwise have been entitled to receive;

- (1b) In addition to any other compensation provided for the widow, or where the workman leaves no widow, the foster-mother, as in subsection 1a described, shall be entitled to a lump sum of \$100.

Lump sum payment.

8. The limitation upon the total amount of compensation payable upon the death of a workman under *The Workmen's Compensation Act* shall be $66\frac{2}{3}$ per cent. of the average monthly earnings of the workman instead of 55 per cent. of such earnings, and subsection 5 of section 33 of *The Workmen's Compensation Act* is amended by striking out the figures "55" in the third line and substituting therefor the figures " $66\frac{2}{3}$ " and subsection 6 of the said section as added by *The Workmen's Compensation Act, 1919*, is repealed.

Limitation upon total amount of compensation payable on death enlarged.

4 Geo. V, c. 25, s. 33, subs. 5, amended.

9. The amount of compensation payable to a workman under *The Workmen's Compensation Act*, where permanent total or temporary total disability results from the injury, is increased from 55 per cent. of his average weekly earnings to $66\frac{2}{3}$ per cent. of such earnings, and section 37 of *The Workmen's Compensation Act* is amended by striking out the figures "55" in the third line and substituting therefor the figures " $66\frac{2}{3}$."

Limit of amount of compensation for total disability.

4 Geo. V, c. 25, s. 37, amended.

10. The amount of compensation payable to a workman under *The Workmen's Compensation Act*, where permanent partial or temporary partial disability results from the injury, is increased from 55 per cent. of the difference between the average weekly earnings of the workman before the accident and the average amount he is earning or is able to earn in some suitable employment or business after the accident, to $66\frac{2}{3}$ per cent. of such difference, and section 38 of *The Workmen's Compensation Act* is amended by striking out the figures "55" in the third line and substituting therefor the figures " $66\frac{2}{3}$."

Limit of amount of compensation in case of permanent partial or temporary partial disability.

4 Geo. V, c. 25, s. 38, amended.

11. *The Workmen's Compensation Act* is amended by adding thereto the following section:—

4 Geo. V, c. 25, amended.

40a. The amount of compensation to which an injured workman shall be entitled for temporary total or permanent total disability under the provisions of

Minimum
amount for
total
disability.

of *The Workmen's Compensation Act* shall not be less than \$12.50 per week or, where his average earnings are less than \$12.50 per week, the amount of such earnings, and for temporary partial or permanent partial disability a corresponding amount in proportion to the impairment of earning capacity.

Increases
to apply
to awards
made prior
to Act.

12. The increases in the amount of compensation payable under *The Workmen's Compensation Act* in cases of injury resulting in death shall apply to all pension payments accruing after the coming into effect of this Act, whether the accident happened before or after that date, and whether the award of compensation has been heretofore or is hereafter made, but nothing in this section contained shall entitle any person to claim additional compensation for any period prior to the coming into effect of this Act.

Furnishing
artificial
limbs, etc.,
free of
charge.

13. The provisions of *The Workmen's Compensation Act* are extended to include the furnishing to the injured workman, free of charge, of artificial members and apparatus rendered necessary as a result of the accident and keeping the same in repair for a period of one year, and subsection 1 of section 44a of *The Workmen's Compensation Act*, as enacted by *The Workmen's Compensation Act, 1917*, and amended by *The Workmen's Compensation Act, 1919*, is

- further amended by adding at the end thereof the words "and shall be entitled to such artificial member or members and apparatus as may be necessary as a result of the injury and to have the same kept in repair for a period of one year," and subsection 2 of the said section 44a is amended by inserting after the word "services" in the second line the words "and the artificial member or members and apparatus and repair."

4 Geo. V,
c. 25,
amended.

14. *The Workmen's Compensation Act* is further amended by adding thereto the following sections:—

Provision
for funds
to pay
increased
compensation.

31b. (1) The additional moneys necessary to provide for increases of compensation in respect to accidents previously happening may be levied and collected by the Board from the employers either now, previously or hereafter carrying on industries under Part I in such manner and at such time or times as the Board may deem most equitable and most in accordance with the general principles and provisions of this Act, and in the case of schedule 1 employers, such levy and collection may be by way of addition to the usual assessment or by levy
of

of special or additional assessment or assessments, and in the case of schedule 2 employers, by way of additional deposit or capitalized amount as may be necessary to provide for such increases.

- (2) Where by reason of limit of legal liability or for other cause, the Board deems it inequitable or inexpedient to apply the provisions of subsection 1 to any pension award the Board shall have power to exempt the same accordingly.

15. This Act shall come into force on first day of July, A.D., 1920.

Power to
grant
exemptions
in certain
cases.

Commence-
ment
of Act.

CHAPTER 44.

An Act to amend The Deserted Wives' Maintenance Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 152, s. 2,
subs. 1,
amended.

1. Subsection (1) of section 2 of *The Deserted Wives' Maintenance Act* is amended by striking out the figures "\$10" in the eighth line and substituting therefor the figures "\$20."

CHAPTER 45.

An Act to amend The Solicitors Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Solicitors Amendment Act, 1920.* Short title.

2. Section 34 of *The Solicitors Act* is amended by adding thereto the following as subsection 3:— Rev. Stat., c. 159, s. 34, amended.

- (3) A solicitor's bill of fees, charges or disbursements shall be sufficient in form if it contains a reasonable statement or description of the services rendered, with a lump sum charge or charges therefor, together with a detailed statement of disbursements, and in any action upon or taxation of such a bill if it is deemed proper further details of the services rendered may be ordered. Charges in lump sum.

CHAPTER 46.

An Act respecting the Royal College of Dental Surgeons of Ontario.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Dentistry Act, 1920*.

Rev. Stat.,
c. 163, s. 3,
subs. 2,
amended.
Disposing
of property.

2. Subsection 2 of section 3 of *The Dentistry Act* is amended by adding at the end thereof the following words “and with the consent of the Minister of Education.”

Rev. Stat.,
c. 163, s. 4,
subs. 2,
repealed.

3. Subsection 2 of section 4 of *The Dentistry Act* is repealed and the following substituted therefor:

Board of
directors,
Minister to
be member
ex officio.

(2) The board shall consist of eight elected members each of whom shall be members of the college and shall hold office for two years, and the Minister of Education for the Province of Ontario who shall be *ex officio* a member of the board;

Quorum.

(2a) The presence of at least four of the elected members of the board shall be necessary to constitute a quorum.

CHAPTER. 47.

An Act to amend The Pharmacy Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Pharmacy Amendment Act, 1920.* Short title.

2. Subsection 1 of section 30 of *The Pharmacy Act* is amended by inserting the word “formaldehyde” after the word “solution” in the fourth line thereof. Rev. Stat., c. 164, s. 30, subs. 1, amended.

CHAPTER 48.

An Act to revise and amend The Act respecting
the Survey of Land.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title. **1.**—This Act may be cited as *The Surveys Act, 1920*.
R.S.O. 1914, c. 166, s. 1.

Validity
of surveys. **2.** No survey of land for the purpose of establishing, de-
fining, locating or describing any limit, boundary or angle
whatsoever in any township, city, town, village, concession,
section, block, gore, reserve, common, lot, mining claim,
mining location or other parcel of land shall be valid unless
performed by an Ontario Land Surveyor.

Interpreta-
tion. **3.** In this Act,

"Depart-
ment." (a) "Department" shall mean Département of Lands
and Forests;

"Minister." (b) "Minister" shall mean Minister of Lands and
Forests;

"Surveyor." (c) "Surveyor" shall mean Ontario Land Surveyor;

"Regular
lot." (d) "Regular Lot" shall mean a lot the boundaries of
which conform to that particular system of sur-
vey in which such lot occurs;

"Unbroken
lot." (e) "Unbroken Lot" shall mean a regular lot the area
of which is not diminished or increased by any
natural or physical features shown on the
original plan.

(f)

- (f) "Undisputed Angle" shall mean an angle of a lot at which an original post, original monument or other original mark intended to define such angle still exists or at which the position of the original post, original monument, or original mark can be established by satisfactory evidence. "Undisputed angle."

- (g) The true bearing of a line shall be the astronomic bearing of the same. True bearing of line.

4. All boundary or division lines legally established, and ascertained under the authority of any Ordinance or Acts heretofore in force shall remain good and valid and all other acts or things legally done and performed under the authority of such Ordinances or Acts, or any of them, and in conformity to the provisions thereof, shall remain good and valid notwithstanding the repeal of any such Ordinance or Act. R.S.O. 1914, c. 166, s. 3. Boundary lines heretofore established confirmed.

PROCEDURE OF SURVEYOR.

5. Every surveyor shall make and preserve exact and regular field notes of all his surveys and shall also keep a proper record or index of all such field notes and shall exhibit or give copies of the same to any person concerned for a reasonable charge. R.S.O. 1914, c. 166, s. 45. Field notes.

6.—(1) The Secretary-Treasurer of the Association of Ontario Land Surveyors shall, by the standard measure of length deposited with the Department and under such instructions as he from time to time receives from the council of the association, examine, test and stamp each standard measure of length for the surveyor who brings the same for examination; and for each standard measure so examined, tested and stamped, shall receive a sum, not less than \$1 nor more than \$2 as the council may by by-law determine. Standard measure.

(2) Every admitted and practising surveyor shall procure and shall cause to be examined, corrected, tested and stamped or otherwise certified by the secretary-treasurer a standard measure of length, under the penalty of the forfeiture of his license or certificate, and shall as often as may be necessary verify by such standard measure the length of his measuring Surveyor to procure a stamped standard measure of length.

tapes and chains, and shall also verify in the proper manner the accuracy of his other surveying instruments. R.S.O. 1914, c. 166, s. 4.

Chainman's
oath.

7. A surveyor may require any chainman or other assistant in his employ, before he commences his duties as such, to take an oath to act as such justly and exactly according to the best of his judgment and ability and to render a true account of such duties to the surveyor by whom he is employed, which oath such surveyor employing is hereby authorized and required to administer whenever the same may be necessary. R.S.O. 1914, c. 166, s. 5.

When land
surveyors
may pass
over private
lands.

8.—(1) A surveyor and his duly authorized assistants when engaged in the performance of the duties of his profession, may pass over, measure along and ascertain the bearing of any line or limit whatsoever and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. R.S.O. 1914, c. 166, s. 6 (1).

Right to
enter
buildings.

(2) For the purpose of obtaining any measurements necessary to a proper and satisfactory performance of the duties of his profession, a surveyor and his duly authorized assistants shall have the right of entry to any building at a time suitable to the rightful occupant of such building. (*New.*)

Penalty
for obstruc-
tion.

(3) Any person who interferes with or obstructs a surveyor in the exercise of any of the powers conferred by subsections 1 and 2 shall incur a penalty not exceeding \$100 recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1914, c. 166, s. 6 (2).

Administra-
tion of
oaths by
surveyor.

9.—(1) For better ascertaining the original limits of any township, concession, range, lot, mining claim, mining location or other parcel of land, every surveyor may when necessary administer an oath to any person whom he examines concerning any boundary, post or monument or any original land mark, line limit or angle of any township, concession, range, lot, mining claim, mining location or other parcel of land which such surveyor is employed to survey.

Evidence,
how to be
taken
down.

(2) The evidence taken by the surveyor shall be reduced to writing and shall be read over to and be signed by the person giving the same, or, if he cannot write, such person shall acknowledge it as correct before two witnesses, who, as well as the surveyor, shall sign the same.

(3)

(3) The evidence, and any document or plans prepared and sworn to by a surveyor as correct with reference to any survey by him performed, may be filed and kept in the registry office of the registry division, or in the office of land titles for the district in which the land to which the same relates is situated, subject to be produced thereafter in evidence in any court. Filing
evidence
documents.

(4) The fee for receiving and filing the same shall be twenty-five cents; and the expense of filing shall be borne by the parties in the same manner as the other expenses of the survey. Fees. R.S.O. 1914, c. 166, s. 46.

10.—(1) Where a surveyor is in doubt as to the true boundary or limit of any township, city, town, village, concession, section, block, gore, reserve, common, lot, mining claim, mining location or parcel or tract of land which he is employed to survey and has reason to believe that any person is possessed of any important information touching such boundary or limit, or of any writing, plan or document tending to establish the true position of such boundary or limit, then if such person being tendered his reasonable expenses does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, a judge of a county or district court, upon the application of such surveyor or the person employing him, accompanied by an affidavit or solemn declaration of the facts on which the application is founded, may order a subpoena to issue commanding such person to appear before the surveyor at a time and place to be mentioned in the subpoena and to bring with him any writing, plan or document mentioned or referred to therein. Powers
to secure
evidence
by subpoena. R.S.O. 1914, c. 166, s. 7.

(2) The subpoena shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown-up person at his residence, exhibiting to him or to such grown-up person the original. Service of
subpoena. R.S.O. 1914, c. 166, s. 8.

(3) If the person commanded to appear by the subpoena after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor, at the time and place appointed in the subpoena, or to produce such writing, plan or document (if any) therein mentioned or referred to, or to give such evidence or information as he may possess touching the boundary or limit in question, the person so summoned shall be guilty of a contempt of the court out of which the subpoena issued, and an attachment may be issued against him by order of the Penalty
for dis-
obeying.

court

court, and he may be punished accordingly, by fine or imprisonment, or both, in the discretion of the court. R.S.O. 1914, c. 166, s. 9.

True and unalterable boundaries, what to be deemed.

11.—(1) All boundary lines of townships, cities, towns, and villages, all concession lines, governing points, and all boundary lines of concessions, sections, blocks, gores, reserves, mining claims, mining locations and commons, and all side lines and limits of lots surveyed and all trees marked in lieu of posts and all posts or monuments, marked, placed, or planted at the front or rear angles of any lots or parcels of land, under the authority of the Executive Government of the late Province of Quebec or of Upper Canada, or of Canada, or under the authority of the Executive Government of Ontario, or the Minister, shall be the true and unalterable boundaries of all and every such townships, cities, towns, villages, concessions, sections, blocks, gores, reserves, mining claims, mining locations, commons and lots or parcels of land respectively, whether the same upon admeasurement be found to contain the exact width or depth or more or less than the exact width or depth shown on the original plan and field notes or mentioned or expressed in any letters patent, grant or other instrument in respect of such township, city, town, village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land. R.S.O. 1914 c. 166, s. 16.

Original posts and monuments.

Road allowances and commons dedicated.

(2) In every township, city, town or village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land or any part thereof which has been surveyed under the authority mentioned in this section, all allowances for any road, street, lane or common, laid out in the original survey of such city, township, town or village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land, or any part thereof, shall be public highways and commons; and all posts or monuments placed or planted in the original survey to designate or define any such allowance for road, street, lane or common, shall designate or define the true and unalterable boundaries of every such road, street, lane or common.

Monuments on original survey to govern.

Rules for survey in township to govern.

(3) Every surveyor employed to make a survey in any such township, city, town, village, concession, section, block, gore, reserve, mining claim, mining location, common, lot or parcel of land surveyed originally under the authority referred to in this section, shall be governed by the provisions set out in this Act for a survey in a township. R.S.O. 1914, c. 166, s. 19.

12. Where a township, tract or block of land, the whole or any part of which has not been surveyed, has been or is granted by the Crown, the first survey made under the authority of the owner of any unsurveyed part thereof shall have the same force and effect as if made under the authority mentioned in section 11 and all allowances for roads, streets, lanes and commons surveyed in such township, tract or block of land and laid down on the plans of such survey thereof, shall be public highways, roads, streets, lanes and commons, and all lines run and marked in such survey, and all posts or monuments planted or placed in such survey to define any allowance for road, street, lane or common, concession, section, block, gore, parcel or lot of land, shall define the true and unalterable lines and boundaries of such allowances for road, street, lane or concession, section, block, gore, common, parcel, or lot of land; and every surveyor employed to make a survey in such township, tract or block of land, shall be governed by the provisions laid down in this Act for surveys in townships surveyed under the authority referred to in the next preceding section. R.S.O. 1914, c. 166, s. 20.

Unsurveyed
lands
granted in
blocks and
subse-
quently
surveyed by
grantees.

13.—(1) Where any city, town, village, lot, mining claim, mining location or part thereof, or any parcel or tract of land has been or may be surveyed and laid out and a plan thereof made by a company or individual in accordance with the provisions of *The Registry Act* or *The Land Titles Act*, all lines or limits shown thereon and the courses thereof given in such survey and laid down on the plans thereof and all posts or monuments placed or planted in the first survey of such city, town, village, or part thereof, or parcel or tract of land, to designate or define any allowances for road, street or lane, or any commons, lot, block or parcel of land, shall designate and define the true and unalterable lines and boundaries thereof respectively.

Re-surveys
of surveyed
territory
under
Registry
Land Titles
Act.

(2) Subject to the provisions of *The Registry Act* and *The Land Titles Act*, as to the amendment or alteration of plans, all allowances for roads, streets, lanes or commons, surveyed in any such city, town, village, lot, mining claim, mining location or any parcel or tract of land or any part thereof, which has been or may be surveyed and laid out by companies or individuals and laid down on the plans thereof shall be public highways, streets, lanes and commons.

Allowances
for roads
laid out by
private
owners.

¹⁰ Edw.
VII, c. 60.

(3) Where a surveyor is employed to establish or re-establish the boundaries of any road, street, lane, common, lot, block or parcel of land shown on any such plan, he shall

Methods of
original
survey to
be followed.

follow

follow the method adopted in making the original survey as shown on the plan or field notes and shall give proportionate dimensions to each lot shown thereon where the original stakes defining the angles of such lot cannot be found or their position satisfactorily established.

Allowance
for road
when closed
to belong
to adjoining
owner.

10 Edw.
VII, c. 60.

1 Geo. V.
c. 28.

(4) Where under subsection 2 an allowance for a road, street or lane laid down upon a plan is a public highway but the municipal corporation has not assumed it for public use, and the allowance or any part thereof is closed by an alteration of the plan under *The Registry Act*, *The Land Titles Act* or other provisions in that behalf, the allowance, or part thereof so closed shall belong to the owners of the land abutting thereon.

How
owners of
abutting
lands to
take.

(5) Where several parcels of land having different owners abut on the allowance or part thereof, so closed, the owner of each parcel shall be entitled to that part of the allowance so closed on which his land abuts to the middle line of the allowance, and where there are several owners of an abutting parcel, each shall be entitled to the like estate or interest in such part as he has in the parcel of land abutting thereon.

When
allowance
abutted on
one side by
a stream,
etc.

(6) When any part of the allowance so closed is abutted on one side by another road, street or lane or by a stream, river or other body of water over which the public have rights of navigation or of floating logs, the whole width of such part shall belong to the owners whose lands abut thereon opposite such street, stream, river or water.

Division
line between
adjoining
parcels.

(7) The division line between two adjoining parcels produced to the middle line of the closed allowance or across such allowance in cases coming within subsection 6 shall be the division line between the parts of the closed allowance to which the owners of such parcels are respectively entitled.

Incum-
brance to
extend to
road so
closed.

(8) When there is an incumbrance on a parcel of land abutting on the allowance or part thereof so closed, it shall extend through and include the part thereof to which the owner of such parcel becomes entitled under this section. See R.S.O. 1914, c. 166, s. 44.

Monuments
on subdivis-
ion plans.

14.—(1) Every angle of the exterior boundary of a subdivision plan of an original township lot, mining location, mining claim or part thereof prepared, for the purpose of registration in accordance with the provisions of *The Registry Act*, or *The Land Titles Act* shall be defined in the survey thereof by a monument; such monument to be composed of,

(a)

- (a) Stone or reinforced concrete 5 inches square at the top, 8 inches square at the base and not less than 4 feet in length, to be planted at least 3 feet 6 inches below the surface; Material of monuments.
- (b) Iron bar 1 inch square, 4 feet long to be driven at least 3 feet 6 inches below the surface;
- (c) In the case of solid rock, 1 inch iron bolt, 6 inches long, cemented or leaded into the rock to a depth of 4 inches.

(2) All bearings shown on the plan of any such survey shall be referred to one course in the boundary thereof, such course being designated on the plan as the reference line, and the course of such reference line shall be the true bearing which shall be determined by astronomic observation or other satisfactory method. Bearings of subdivision plans.

(3) One such monument shall be placed at one angle of each street intersection shown on any plan prepared for the purpose of registration.

(4) The surveyor shall indicate on such plan the position and form of any such monuments planted in accordance with this section, and shall certify that the plan is prepared in accordance with the provisions of *The Surveys Act*. Certificate on subdivision plan.

MUNICIPAL SURVEYS.

15. Where the council of a county deems it advisable that monuments of stone or other durable material shall be placed on the boundary or boundaries of any township or townships situate therein such council may apply to the Lieutenant-Governor in Council to cause a survey to be made and such monuments placed under the direction and order of the Minister and such council shall cause the sum requisite to defray the expenses to be incurred, or the proportion thereof payable by the ratepayers of any township or concession, to be levied on them, in the same manner as any sum required for any other local purposes authorized by by-law may be levied. *See R.S.O. 1914, c. 166, ss. 10, 11 and 12.* Municipal survey of township boundary.

16.—(1) Whereas in several townships, some of the concession road lines and side road lines or parts of the concession road lines and side road lines were not run in the original survey and the survey of some of the concession road lines and side road lines or parts of the concession road lines and side road lines have been obliterated, and owing to the want of such lines the inhabitants of such concessions are subject

to serious inconvenience, therefore the municipal council of the township in which such lines are situated shall, on application of one-half the resident land owners affected thereby, or may upon its own motion without such application, apply to the Lieutenant-Governor in Council to cause any such line to be surveyed and to be marked by monuments of stone or other durable materials under the direction and order of the Minister, in the manner prescribed in this Act, at the cost of such owners.

Expenses,
how borne.

(2) The township council shall cause to be laid before it an estimate of the sum requisite to defray the expenses to be incurred in order that the same may be levied on the owners affected thereby in proportion to the benefit received, in the same manner as any sum required for any other purpose authorized by law may be levied, or such council may without a previous estimate levy on such owners in such proportions the amount of the expense when the same shall have been incurred and ascertained and the certificate of the Minister certifying the amount of such expense shall be conclusive.

Payment
out of
municipal
funds.

(3) Where an application is made by a township council upon its own motion, such council if it deems the application to be in the public interest in assisting to determine the boundaries or limits of any public road or highway or the like may pay out of the general funds of the township either the whole of the expense or such part thereof as the council may deem proper and in the event of the council paying only part of the expense out of the general funds, the council may order that the remainder of the expense be levied on such owners in proportion to the benefit received. *See* R.S.O. 1914, c. 166, s. 13.

Municipal
survey of
lot lines.

17.—(1) Where the municipal council of any township, city, town, or village adopts a resolution on application of one-half the resident land owners to be affected thereby, or upon its own motion, that it is desirable to place stone or other durable monuments at the front or at the rear, or at front and rear angles of any lot or lots in any such township, city, town, village, concession, section, block, gore, lot, mining claim, mining location, common, or parcel of land referred to in sections 15 and 16 of this Act, such council shall apply to the Lieutenant-Governor in Council in the same manner as is provided by the next preceding section to cause a survey to be made and such monuments to be placed under the authority of the Minister.

Cost of
survey,
how to be
defrayed.

(2) The cost of such survey shall be defrayed in the manner prescribed by the next preceding section. R.S.O. 1914, c. 166, s. 14.

18.—(1) The Minister shall appoint a surveyor to make any such survey for which application has been made to the Lieutenant-Governor in Council as provided in the next three preceding sections and on the return in triplicate of the plans and field notes of such survey to the Minister, he shall cause a notice thereof to be published once in each week for four consecutive weeks in a newspaper published in the county or district town of the county or district in which the lands lie, and shall specify in the notice a day not less than ten days after the last publication on which the report of the survey will be considered and the parties affected thereby heard and on the hearing the Minister may either confirm the survey or direct such amendments or corrections to be made as he shall deem just, and shall confirm the survey so amended or corrected, and the lines or parts of the lines so surveyed and marked and the monuments so planted shall thereafter define and designate such corners, governing points or offsets or such ends of concessions or side road lines or such concession or side roads or parts of concession or side roads or such front or rear angles of lots, to all intents and purposes and the order of the Minister confirming the survey shall be final and conclusive upon all persons and shall not be questioned in any court, and the plan and field notes shall have the same force and effect as an original plan and field notes. R.S.O. 1914, c. 166, s. 13.

Confirmation of survey.

(2) One copy of such plan and field notes of any such survey so confirmed shall be filed by the Minister in the Registry Office or Office of Land Titles for the district in which the land is situate. (*New.*)

Filing copy of plan and field notes in registry and land titles offices.

19. All expenses incurred in making any survey and placing any monument under the provisions of sections 15, 16, 17 and 18, shall be paid by the treasurer of the municipality which made the application for the survey to the surveyor making the survey, on the certificate and order of the Minister. R.S.O. 1914, c. 166, s. 15.

Municipal treasurer to pay in first instance.

RE-SURVEYS OF SURVEYED TERRITORY.

20.—(1) Where a surveyor is required to establish for any purpose a front angle of any lot in any concession and the original post or monument marking the same cannot be found, he shall obtain the best evidence that the nature of the case admits of respecting the position of such post or monument, but if the same cannot be satisfactorily established, then the surveyor shall measure the true distance between the two nearest undisputed angles of lots on the concession line, one being on either side of the angle which it is required to establish and shall establish such angle by dividing

Determination of lost or obliterated lot angles.

dividing such distance proportionately as intended in the original survey.

Determina-
tion of
obliterated
concession
lines.

(2) Where that part of the concession line on which such angle is situated has become obliterated, the same shall be established by drawing a straight line between the two nearest places where the same can be ascertained or determined, one being on either side of the angle which it is required to establish.

Obliterated
township
boundary.

(3) Where a surveyor is required to establish for any purpose a front angle of any lot on a township boundary and the original post or monument marking the same cannot be found, he shall obtain the best evidence that the nature of the case admits of respecting the position of such post or monument, but if the same cannot be satisfactorily established, then the surveyor shall measure the true distance between the two nearest undisputed angles of lots on the township boundary, one being on either side of the angle which it is required to establish and shall establish such angle by dividing such distance proportionately as intended in the original survey.

Best evi-
dence in
double
front con-
cessions.

(4) Where that part of the township boundary on which such angle is situated has become obliterated, the same shall be established by drawing a straight line between the two nearest places where the same can be ascertained or determined, one being on either side of the angle which it is required to establish.

Where
some posts
or marks
are lost.

(5) In the original survey of any township, where more than one row of posts, monuments or marks was planted or made on the concession line, and a post, monument or mark marking the angle of a lot is lost and the position thereof cannot be satisfactorily ascertained, any such post, monument or mark found still standing or the position of which can be satisfactorily determined on the opposite side of the concession road allowance, shall constitute the best evidence as to the position of the post, monument or mark which is lost, and if no such post, monument or mark can be found or so ascertained on the opposite side of the concession road allowance and the position of a post, monument or mark on the centre line of the concession line can be so determined, then such post, monument or mark on the centre line shall be the best evidence for the purpose of establishing the post which is lost.

Provido.

(6) Provided that subsections 1 and 3 in this section shall not apply to the front angles of lots directly or indirectly affected by the provisions of section 30.

(7)

(7) Provided also that angles of lots that can be established in accordance with the provisions of section 30 of this Act, and subsections 3 and 4 of this section shall be undisputed angles for the purpose of subsection 1 of this section. Proviso.

(8) Where a surveyor is called upon to establish as a whole or in part a concession line that has been completely obliterated or was not run in the original survey, he shall establish the same so as to give the lots in each of the adjacent concessions a depth proportionate to that intended in the original survey. Whole concession line obliterated or not run. R.S.O. 1914, c. 166, ss. 13 and 42.

21.—(1) Except as provided in subsections 2 and 3 of this section, the division or side lines between lots in any concession in any township other than those townships surveyed into sections under the authority of an Order-in-Council dated 27th day of March, 1829, and subsequent orders, shall be run, Governing lines.

(a) If so intended on the same astronomic course as the boundary line of the concession at that end from which the lots are numbered, and if not so intended, or such boundary was not run in the original survey, or is wholly broken by a lake, river or other natural boundary, then on the same astronomic course as the boundary line at the other end of the concession if so intended;

(b) If not intended to be run on the same course as the boundary line at either end of the concession, such division or side lines shall be run, if so intended, at such angle with the boundary line at that end of the concession from which the lots are numbered as shown on the plan and field notes of record in the Department, and if not so intended or if such end be wholly bounded by a lake, river or other natural boundary, or was not run in the original survey, then at such angle with the boundary line at the other end of the concession as is shown on such plan and field notes if so intended;

(c) If neither of such boundaries of the concession were run in the original survey or if the concession is wholly bounded at both ends by a lake, river or other natural boundary then such division or side lines shall be run at such angle with the course of the line in front of the concession as is stated in such plan and field notes or if

parts of the line in front of the concession have been run on different courses as shown on such plan and field notes, then at such angles with the course of each of those parts, as is stated in the plan and field notes. R.S.O. 1914, c. 166, ss. 21, 22, 23 and 24.

Where division or proof line has been run between lots.

(2) If any division or side line between lots, or proof line intended to be on the same course as the division or side lines between lots, was drawn in the original survey in any concession in any such township bounded at both ends by a lake, river or other natural boundary, or in which the line at neither end of the concession was run in the original survey, the division or side lines between the lots therein shall be run on the same course as such division or side or proof line. R.S.O. 1914, c. 166, s. 25.

When more than one such line drawn in original survey.

(3) When two or more such division or side lines or proof lines were drawn in the original survey of such concession, so bounded, that division or side line or proof line which is nearest to the boundary of the concession from which the lots are numbered shall govern the course of the division or side lines of all the lots in such concession between the boundary of the concession from which the lots are numbered, and the next division or side line or proof line drawn in the original survey; and such last-mentioned line or proof line shall govern the course of the division or side lines of all the lots up to the next division or side line or proof line drawn in the original survey or to the boundary of the concession towards which the lots are numbered as the case may be. R.S.O. 1914, c. 166, s. 26.

When proof line to govern.

(4) If in any concession in any such township coming within the provisions of paragraphs *a* and *b* of subsection 1 of this section, such division or side line or proof line was run in the original survey, it shall govern the course of the division or side lines in such concession on that side of such proof line which is farthest from that end of the concession which is intended to govern the course of the division or side lines in such concession.

How lines to be governed in townships laid out in sections.

22.—(1) Except as provided in subsection 2, in all those townships which in the original survey were divided into sections, agreeably to an Order-in-Council bearing date the 27th day of March, 1829, or subsequent orders the division or side lines between the lots in all concessions, in any section or block, shall be governed by the boundary lines of such section or block, in like manner as the division or side lines in townships originally surveyed before that day are governed by the boundary lines of the concession in which the

lots

Proviso.

lots are situated. Provided that in those sections or blocks the governing boundaries of which are broken by lakes or rivers in such a way that the course thereof cannot accurately be determined on the ground a surveyor when called upon to run any side line in a concession in such section or block, shall run such side line on the astronomic course of such side line as shown on the original plan and field notes thereof, of record in the Department. (*Amended.*)

(2) The side lines between all lots in all townships in the Districts of Muskoka and Parry Sound; all townships in the District of Nipissing which lie South of the Mattawan River and Trout Lake; and the Township of Mattawan in that District; all townships in the provisional County of Haliburton; the Townships of Dalton, Digby and Longford, in the County of Victoria; the Townships of Galway, Cavenish, Anstruther and Chandos in the County of Peterborough; the Townships of Tudor, Grimsthorp, Wollaston, Limerick, Cashel, Faraday, Dungannon, Mayo, Herschell, Monteagle, Carlow, McClure, Wicklow and Bangor, in the County of Hastings; the Townships of Anglesea, Effingham, Abinger and Denbigh, in the County of Lennox and Addington; the Townships of Barrie, South Canonto and North Canonto, in the County of Frontenac, and the Townships of Brougham, Grattan, Wilberforce, Alice, Mattawachan, Griffith, Sebastopol, South Algona, North Algona, Fraser, Richards, Hagarty, Brudenell, Lyndoch, Raglan, Radcliffe, Sherwood, Burns and Jones, in the County of Renfrew shall be run on the astronomic course stated in the plan and field notes of the original survey of record in the Department, but nothing in this subsection shall affect the side lines of any lot in any concession in any section or block in which any side line was run before the first day of July, 1897. R.S.O. 1914, c. 166, s. 27.

(3) Every surveyor shall on the 31st day of December in each year, make to the clerk of the township a return, Form 1, of all lines run by him in such township under the provision of subsection 2 of this section. R.S.O. 1914, c. 166, s. 28.

Surveyor's return to township clerk.

23. Where a surveyor is called upon to determine the astronomic course of any governing line for the purpose of running any side line or other division line in any concession or section, he shall determine the astronomic course of the straight line joining the front and rear ends of such governing line, and shall run such side or other line on such astronomic course or at an angle therewith, in accordance with the provisions laid down in this Act in that behalf, and where a division or side line is to be run, at an angle with the front line or any part of the front line of any concession,

Governing line, how to determine the course of.

the ends of such front line or part thereof shall be joined as above provided, for the purpose of laying of such angle.

What shall be deemed the front of a concession where only a single row of posts planted.

If concession line not run.

24. The front of each concession in any township where only a single row of posts has been planted on the concession lines, and the lands have been described in whole lots, shall be that boundary of the concession which is nearest to the boundary of the township from which the concessions thereof are numbered; and where the line in front of any such concession was not run in the original survey, the division or side lines of the lots in such concession shall be run from the angles of lots on the front line of the concession in the rear thereof to the depth of the concession—that is to the centre of the space contained between the lines in front of the adjacent concessions, if the concessions were intended in the original survey to be of an equal depth, or, if they were not so intended, then to the proportionate depth intended in the original survey as shown on the plan and field notes thereof of record in the Department, having due regard to any allowance for a road made in the original survey; and a straight line joining the extremities of the division or side lines of any lot in such concession so drawn shall be the true boundary of that end of the lot which was not run in the original survey. R.S.O. 1914, c. 166, s. 33.

Broken front concessions.

25.—(1) In those townships in which any concession is wholly bounded in front by a river or lake or other natural boundary where no posts or other boundary marks were planted or made in the original survey on the bank of such river, or lake or natural boundary to regulate the widths in front of the lots in the broken front concessions, the division or side lines of the lots in such broken front concessions shall be drawn from the angles of lots on the concession line in rear thereof to the river, lake or natural boundary in front.

Side lines in broken fronts.

(2) Where any concession is bounded in front at either end, in part, though not wholly, by a river, lake or other natural boundary, and no posts or other boundary marks were planted or made in the original survey on the bank of such river, lake or natural boundary to regulate the widths of the lots broken thereby, the division or side lines of such broken lots shall be drawn to the lake, river or other natural boundary in front from points on the rear of the concession determined by dividing proportionately as intended in the original survey the distance between the end of the concession and the intersection of the last whole lot line of the original survey with the rear of the concession. Provided that where such end of the concession is wholly bounded by a lake, river or other natural boundary and no measurement was made in

the original survey along the rear of the concession to the lake, river or other natural boundary, the surveyor shall determine the points from which the side lines of such lots shall be drawn by measuring along the rear line the widths of the lots as originally intended from the intersection of the last whole lot line. R.S.O. 1914, c. 166, s. 34.

(3) Similarly where a concession is bounded partly in front by a lake, river or other natural boundary and where such lake, river or other natural boundary does not extend to either end of the concession, the points from which the lot lines in that part of the concession so bounded shall be run, shall be determined by dividing proportionately as shown on the original plan and field notes the distance between the intersections of the last whole lot line on either side of such lake, river, or other natural boundary with the rear line of the concession. (*New.*)

26.—(1) In those townships in which the concessions have been surveyed with double fronts—that is, with posts or monuments placed or planted on both sides of the allowances for road between the concessions, and the lands have been described in half lots, the division or side lines between such half lots shall be drawn from the angles of lots at both ends of the lot lines to the centre of the concession, and each end of such lot shall be the front of its respective half of such lot and a straight line joining the extremities of the division or side lines of any half lot in such concession, so drawn, shall be the true boundary of that end of the half lot which was not run in the original survey. R.S.O. 1914, c. 166, s. 35.

Concessions
with double
fronts.

(2) Where a double front concession is not of the full depth, the division or side lines shall be drawn from the angles of lots at both ends thereof, to the centre of the concession as provided in subsection 1, without reference to the manner in which the lot or parts of lots in such concession were described for patent. R.S.O. 1914, c. 166, s. 36.

27. In those townships in which each alternate concession line only has been run in the original survey, but with double fronts, the division or side lines shall be drawn from the angles of lots on each side of such alternate concession lines to the depth of a concession—that is, to the centre of the space contained between such alternate concession lines, if the concessions were intended in the original survey to be of an equal depth—or if they were not so intended, then to a depth proportionate with that intended in the original

Alternate
concessions.

survey

survey, as shown on the plan and field notes thereof of record in the Department; and each alternate concession line shall be the front of each of the two concessions abutting thereon. R.S.O. 1914, c. 166, s. 37.

Broken
front in
township
with alter-
nate con-
cessions.

28. Where the front of any concession or half concession in any township surveyed with double fronts is wholly or in part broken by a lake, river, or other natural boundary, the rear boundary of the adjacent concession or half concession or part of the concession or half concession shall be established by giving to such adjacent concession or half concession or part of concession or half concession, its regular depth or the depth shown on the original plan and field notes. R.S.O. 1914, c. 166, s. 43.

Aliquot
parts
section
system.

29.—(1) In any township that has been surveyed or may hereafter be surveyed into sections or blocks agreeably to an Order-in-Council dated the 27th day of March, 1829, or subsequent orders, the division line between the halves of any unbroken regular lot where intended to run from front to rear shall be a line drawn on the same course as it is required to run any side line of such lot which was not run in the original survey from a point on the front of said lot midway between the front angles thereof and the division line between the halves of any such lot where intended to run from side line to side line across the lot shall be a straight line joining the midway points on the side lines thereof and in dividing any such lot into quarters or other aliquot parts the same methods shall be adopted, but the provisions of this subsection shall not apply to any such lot the whole or part of which has been patented before the 24th day of March, 1911. R.S.O. 1914, c. 166, s. 31.

Aliquot.

(2) Except as provided in subsection 1 of this section and in section 26 of this Act, every patent, grant or instrument purporting to be for any aliquot part of any concession, block, gore, common, lot or parcel of land in any township, city, town or village shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instrument. R.S.O. 1914, c. 166, s. 18. (*Amended.*)

As to
aliquot
parts of
townships,
etc.

When area
not to
include
land
covered
by water.

(3) Where in any survey of Crown lands made under the authority of the Minister, any lot or other subdivision bordering upon a lake or river is given an acreage covering only the land area, such lot or other subdivision shall include the land area only, and not any land covered by the water of such lake or river.

(4) Subsection 2 shall not affect the rights, if any, of any person where such rights have heretofore been determined by a court of competent jurisdiction.

30.—(1) Where the concession line in front of two adjacent sections or blocks in any township heretofore or hereafter surveyed into sections or blocks under the authority of an Order in Council dated the 27th day of March, 1829, or subsequent Orders in Council, is shown on the plan and field notes to be on the same astronomic course, and in one and the same straight line, and the side lines between such sections or blocks and between the adjacent sections or blocks on the opposite side of such concession line as shown on the plan and field notes to be on the same astronomic course and in the same straight line, and the position of the original monuments marking the adjacent corners of such sections or blocks cannot be satisfactorily ascertained, the surveyor shall connect the nearest undisputed points on the concession line in front of such sections or blocks by a straight line and join the nearest undisputed points on the side line between the sections or blocks, and the intersection of these two lines shall be the angle of the adjacent sections or blocks. Provided that the undisputed points on the side line to be connected are not more than twenty chains apart, and that one of them is on either side of the concession line. If such undisputed points on the side line are more than twenty chains apart, the surveyor shall then establish the angle of the sections or blocks by dividing proportionately, as intended in the original survey the distance between the two nearest undisputed angles of lots on the concession line in front of such sections or blocks, and the point so ascertained shall be the angle of the sections or blocks.

Location
of section
corners.

Where undisputed
points
more than
20 chains
apart.

(2) Where the concession line in front of two such adjacent sections or blocks, is shown on the plan and field notes to be on the same astronomic course and in the same straight line, and the side lines between such adjacent sections or blocks, and the adjacent sections or blocks on the opposite side of the concession line are shown on the plan and field notes not to be on the same astronomic course or not in one and the same straight line, and the post or posts defining the adjacent angles of such adjacent sections or blocks cannot be found nor the position thereof satisfactorily established and the side lines are obliterated in such manner that they cannot be accurately determined, the surveyor shall determine the position of the angles that are lost by division in the same proportion as is shown on the plan or field notes of the distance between the nearest angles of lots on the concession line that can be satisfactorily established, one being on either side of the angles that are lost.

Where side
lines between
adjacent
blocks,
etc., are not
on same
astronomic
course.

Where
concession
line not
intended
to be
straight.

(3) Where the concession line in front of two such adjacent sections or blocks is shown on the plan and field notes not to be in the same astronomic course or not in one and the same straight line and the side lines between such adjacent sections or blocks and the adjacent sections or blocks on the opposite side of such concession line are shown on the plan and field notes to be on the same astronomic course and in the same straight line and the post or posts defining the adjacent angles of such sections or blocks cannot be found, nor the position thereof satisfactorily established, and the concession line is obliterated, the surveyor shall determine the position of the angles that are lost by division, in the same proportion as shown in the plan and field notes of the distance between the other angles on such side lines of such adjacent sections or blocks.

Where
concession
lines and
side lines
obliterated.

(4) Where both the concession lines in front of the adjacent sections or blocks and the side lines between such adjacent sections or blocks and between the adjacent sections or blocks on the opposite side of the concession line have been obliterated in such manner that they cannot be accurately determined and the post or posts marking the adjacent angles of such sections or blocks cannot be found or their position satisfactorily established, the surveyor shall apply to the Minister, who shall instruct him how to proceed and the angle determined in accordance with the instructions of the Minister shall be the true and unalterable angle of such sections or blocks.

Proviso.

(5) Provided that the angle of a section that can be determined in accordance with the provisions of this section shall be an undisputed angle for the purpose of this section.

Proviso.

(6) Provided that the provisions of this section shall not apply to any angle of a section re-established prior to the 24th day of March, 1911. *See* R.S.O. 1914, c. 166, s. 23.

As to lands
in adjoining
concessions
included in
the same
grant.

31. Where a Crown patent, grant or other instrument has been issued for several lots or parcels of land in concessions adjoining each other, the side lines or limits of the lots or parcels of land therein mentioned shall commence at the front angles of such lots or parcels of land respectively and shall be run as hereinbefore provided, and shall not continue on in a straight line through several concessions, that is to say, each lot or parcel of land shall be surveyed and bounded according to the provisions of this Act, independently of the other lots or parcels mentioned in the same patent, grant or instrument. R.S.O. 1914, c. 166, s. 38.

SPECIAL RE-SURVEYS.

32.—(1) Except as in this section is provided, the surveys made under instructions from the Department of the Interior of Canada, of certain townships in the Rainy River District the lots immediately upon the bank of Rainy River having a width of 10 chains fronting the river and a varying depth, and the remaining lands so surveyed being subdivided into sections one mile square, and quarter sections of one hundred and sixty acres, with road allowances around each section are hereby adopted and legalized.

Former surveys in the Rainy River District adopted.

(2) The road allowances in the townships in the District of Rainy River, surveyed under instructions from the Department of Interior of Canada, shall be and are hereby declared to be one chain in width, such chain allowance to be that lying immediately north and east respectively of the lines of survey run upon the ground in the original survey.

Reduction of width of road allowances.

(3) The strips of land formerly forming parts of the road allowances shall be detached therefrom and attached to and form part of the quarter sections or lots, as the case may be, immediately adjoining the strips of land on the east and north thereof.

Lands detached to form part of adjoining quarter sections or lots.

(4) The quarter section posts or lot posts intended to define on the ground the limits of the quarter sections or lots in such townships shall continue to be the governing points, notwithstanding the addition hereby made to the respective quarter sections and lots. R.S.O. 1914, c. 166, s. 30.

Present quarter section or lot posts to remain.

33. Where a surveyor is employed to run any boundary line of, or any dividing line or limit between any sections, quarter sections, or other aliquot parts of any section in any township in the Rainy River District subdivided into sections, in accordance with the Dominion lands system of survey or in any of the following townships and parts of townships in the Districts of Algoma and Thunder Bay, namely, Rutherford, Salter, Victoria, all that portion of Shedden south of the fourth concession, the Townships of Spragge, Esten, Thompson, all that portion of Patton south of the third concession, the Townships of Thessalon, Lefroy, Rose, Laird, Meredith, Macdonald, Tarentorus, Aweres, Van-Koughnet, Awenge, Korah, Pennefather, Fenwick, sections 31 to 36, both inclusive, of the Township of Haviland, the Townships of Tilley, Parke, Prince, Dennis, Kars, Fisher, Palmer, Herrick, Ryan, Blake, Crooks, Pardee, McIntyre, Macgregor, McTavish, Homer and Byron, and the post or monument planted, erected or marked in the original survey to define the corner of any such section, quarter section or

Re-surveys in townships on Dominion land system.

other

other aliquot part cannot be found, the surveyor shall obtain the best evidence that the nature of the case admits of respecting such post or monument; but if the position of the same cannot be satisfactorily so ascertained, he shall proceed as follows:—

- (a) If the lost post or monument is that of a township corner, he shall report the circumstances to the Minister who shall instruct him how to proceed;
- (b) If the lost post or monument is that of a section or quarter section corner on the boundary line of a township, he shall renew the same by joining the nearest original blazes quarter section or section corners on such boundary by a straight line and shall give to each section or quarter section a breadth proportionate to that shown on the original plan and field notes thereof, of record in the Department, having first taken into account and made due allowance for any roads shown on the plan and field notes;
- (c) If the lost post or monument is that of a section corner in the interior of a township he shall renew the same by intersecting the straight lines adjoining the nearest original blazes or original quarter section or section corners on the adjoining intersecting section boundaries; and where the nearest section corner on any side of the lost post or monument is on a township boundary and that post or monument and also the intervening quarter section posts or monuments are lost, and there are no original blazes between such corners, the surveyor shall first renew the post monuments on the section corner or corners on such township boundary in accordance with the provisions of the next preceding clause;
- (d) If the lost post or monument is that of a quarter section corner in the interior of a township, he shall renew the same by joining the nearest original blazes or adjacent section corners determined, if necessary, as hereinbefore provided, and shall give to each of the adjacent quarter sections a breadth proportionate to that shown on the original plan and field notes;
- (e) In laying out interior boundaries of half sections or of quarter sections he shall connect the opposite quarter section corners determined, if necessary, as hereinbefore provided, by straight lines;

(f)

- (f) In laying out interior boundaries of other aliquot parts of any section he shall give to each aliquot part its proportionate share of breadth and interior depth and connect the resulting terminal points by straight lines. R.S.O. 1914, c. 166, s. 32.

34.—(1) Where a surveyor is called upon to establish any front or rear angle or side line of a lot in any township in the original survey of which the side lines only of the lots were surveyed and in which the concession lines were not surveyed and the original monuments defining the position of such angles or side line cannot be found nor the location of the same be satisfactorily ascertained, the surveyor shall measure the true distance between the two nearest undisputed angles of lots on such side lines, one being on either side of the angle which it is desired to establish and shall divide such distance into the number of lots that the same contained in the original survey, making due allowance for any road or roads and giving to each lot its proportionate share of depth, as shown on the original plan and field notes, and shall plant such posts or monuments as he may be required to plant at the lot angles so ascertained and straight lines joining the front angles or the rear angles of a lot so ascertained shall be the true boundaries of those ends of the lot which were not surveyed in the original survey. R.S.O. 1914, c. 166, s. 32. (*Amended.*)

Township in which side lines only were surveyed.

To establish angles of lots.

(2) Where in any such township a surveyor is called upon to establish any side line or part thereof run in the original survey that has become obliterated, he shall join by a straight line or lines the places where such side line can be satisfactorily ascertained and where such line is obliterated at either end, he shall establish such end by measurement only along the township boundary or base line in the manner in which such measurement was made in the original survey, as shown on the plan and field notes.

To establish side lines.

35. Chapter 166 of the Revised Statutes, 1914, and chapter 27 of the Acts passed in the 4th year, and chapter 29 of the Acts passed in the fifth year, of His Majesty's reign, are repealed.

Repealed.

36. This Act shall come into force and take effect upon receiving the Royal Assent.

Commencement of Act.

FORM 1.

SECTION 22 (3).

Surveyor's Return.

Township of

County of.....

I hereby certify that the foregoing lot lines in the above township were run by me during the year ending December 31st, 19 , under the provisions of *The Surveys Act*.

Line between..... Concession..... Date.....

Lot..... and lot....., etc., etc.

Dated at....., this..... day of....., 19 .

A. B.,

Ontario Land Surveyor.

1 Geo. V, c. 42, Form 1.

CHAPTER 49.

An Act to amend The Ontario Land Surveyors Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Land Surveyors Act, 1920.* ^{Short title.}

2. The annual membership fee payable by a member of the Association of Ontario Land Surveyors shall be increased from \$5 per annum to \$7 per annum and the clause lettered (b) in section 39 of *The Ontario Land Surveyors Act*, as amended by section 6 of *The Ontario Land Surveyors Act, 1917*, is amended by striking out the figures “\$5” and inserting in lieu thereof the figures “\$7.” ^{Annual member-ship fee.} ^{Rev. Stat., c. 165, s. 39, amended.}

CHAPTER 50.

An Act to amend The Stationary and Hoisting
Engineers Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Stationary and Hoisting Engineers Act, 1920*.

9 Geo. V,
c. 37,
repealed.

2. Section 4 of *The Stationary and Hoisting Engineers Act, 1919*, is repealed and the following substituted therefor:

Board of
examiners.

4.—(1) The Lieutenant-Governor in Council may appoint a board of examiners consisting of three or five competent and independent engineers practically conversant with the construction of boilers and the operation of steam plants, who shall hold office during pleasure and, subject to the regulations mentioned in the following section, shall prescribe the subjects in which candidates for certificates of qualification as stationary or hoisting engineers shall be examined, and shall conduct or provide for and supervise the examination of candidates and report thereon to the Minister.

Staff of
board.

(2) The Lieutenant-Governor in Council may appoint such examiners, officers, clerks and servants of the board as may be deemed necessary.

CHAPTER 51.

An Act respecting the Practice of Veterinary Science.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Veterinary Science Practice Act*. Short title.

2. In this Act,—

Interpretation.

(a) “Minister” shall mean the Minister of Agriculture for the Province of Ontario; “Minister.”

(b) “Veterinary Science” shall mean the application of medicine or surgery to the ailments of any kind of live stock except as regards parturition, castration, spaying and dehorning. “Veterinary science.”

3. On and after January 1st, 1921, no person shall practise veterinary science for fees in Ontario without a certificate from the Minister entitling him so to do. Certificate required.

4. Such certificate shall be issued by the Minister upon the recommendation of a board of three members to be appointed by the Lieutenant-Governor in Council, and to be known as the Veterinary Practice Board. Board to issue certificates.

5. Application for certificates shall be made to the chairman of the Board, and it shall be the duty of the board to carefully examine the evidences submitted as to the standing of each applicant for such certificate, and recommendations shall be made only in the cases of,— Applications.

(a) Graduates in veterinary science of the Ontario Veterinary College or of the University of Toronto; or who may receive certificates

(b)

(b) Graduates in veterinary science of any veterinary college recognized by the Board as being at least equal in standing to the Ontario Veterinary College;

(c) Persons who at the time of the passing of this Act are habitually engaged in the practice of veterinary science or any branch thereof for gain, and who have so habitually engaged in such practice for a period of at least five years prior to the passing of this Act.

Cancellation of certificates.

6. The Minister, upon the recommendation of the Board may cancel any certificate upon evidence that the holder thereof has been convicted in the courts of an indictable offence.

Conducting courses in veterinary science. Certificate required.

7. No person or persons, association, company or organization shall hereafter conduct in Ontario courses in veterinary science for which fees are charged and certificates or diplomas granted without a certificate of authorization from the Minister, and a certificate shall only be issued after investigation by the Board has shown that the requirements of admission and courses of study and instruction are at least equal in standard to that of the Ontario Veterinary College.

Use of title "veterinary surgeon" restricted.

8. No person other than a graduate in veterinary science of a recognized college or university shall use the title Veterinary Surgeon or append to his name the term Veterinary Surgeon or any abbreviation thereof, and no graduate in veterinary science shall use any title or degree which has not been conferred on him by a recognized college or university.

Rights to professional fees.

9. Any person holding a certificate from the Minister shall be entitled to professional fees in attending any court of law in such cases as relate to the profession.

Penalty.

10. Any person violating any provision of this Act, shall be guilty of an offence and shall incur a penalty of not more than \$100 nor less than \$50 to be recoverable under *The Ontario Summary Convictions Act*.

Rev. Stat., c. 171, repealed.

11. *The Veterinary Surgeons Act* is repealed.

Commencement of Act.

12. This Act shall come into force on the 31st day of December, 1920.

CHAPTER 52.

An Act to amend The Optometry Act, 1919.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Optometry Amendment Act, 1920.* Short title.

2. Section 8 of *The Optometry Act, 1919*, is hereby ^{9 Geo. V, c. 39, s. 8,} amended by striking out the following words in the 4th, 5th ^{amended.} and 6th lines of the said section:

“together with a specification of the lenses.”

3. Subsection 1 of section 9 of *The Optometry Act, 1919*, ^{9 Geo. V, c. 39, s. 9,} is amended by inserting the word “found” before the word ^{subs. 1} “guilty” in the third line thereof. ^{amended.}

4. This Act shall come into force on the day upon which ¹ it receives the Royal Assent. <sup>Commence-
ment of Act.</sup>

CHAPTER 53.

An Act to amend The Ontario Companies Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Ontario Companies Amendment Act, 1920.*

7 Geo. V.
c. 38.
amended.
Co-operative
companies. **2.** Section 152*m* of *The Ontario Companies Act* as enacted by the Act passed in the 7th year of His Majesty's reign, chaptered 38, is amended by striking out the figures "\$10,000," and substituting therefor the figures "\$15,000."

7 Geo. V.
c. 38
amended.
Powers of
Provincial
Secretary
as to
accounts of
co-operative
companies. **3.** Subsection 1 of section 152*r* of the said Act as so enacted is amended by striking out the first four lines of the said subsection and substituting therefor the words: "The Provincial Secretary may upon the application of any ten members each of whom has been a member for not less than six months immediately preceding the date of the application or upon the application of more than one-third of the total number of such members."

CHAPTER 54.

An Act to assist Co-operative Associations in marketing certain Farm Products.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Co-operative Marketing Loan Act, 1920.* Short title.

2. In this Act:

Interpretation.

(a) "Minister" shall mean Minister of Agriculture; "Minister."

(b) "Regulations" shall mean regulations made under the authority of this Act; "Regulations."

(c) "Co-operative Association" shall mean any organization of producers incorporated as a co-operative corporation under *The Ontario Companies Act* for the purpose of cleaning, storing and marketing seed and potatoes; "Co-operative Association."

(d) "Association" shall mean co-operative association. "Association."

3. The Lieutenant-Governor in Council upon the recommendation of the Minister may make a loan to any co-operative association as defined in clause c of section 2 of this Act in accordance with the provisions of this Act and the regulations made in accordance therewith for the purpose of acquiring lands, buildings, equipment and machinery necessary for the carrying out of the objects for which such association was incorporated to an amount not exceeding \$3,000. Loan of \$3,000 to one Association.

4.—(1) Such loan shall not exceed fifty per cent. of the appraised value of the property upon which the loan is to be made. Loan not to exceed fifty per cent. of appraised value.

(2)

Interest. (2) Such loan shall be free of interest for a period of two years, after which time interest shall be payable at the rate of six per cent. per annum for the balance of the time for which the loan is held.

Repayment. (3) Such loan may be repaid at any time at the option of the association but at least fifty per cent. shall be repaid at the end of five years from the date of the loan, and the remaining fifty per cent. at the end of a further period of five years.

Loan to be based on contract. 5. Each loan shall be based on a contract made by the association with the Minister, which contract shall be in accordance with this Act and the regulations thereunder.

Security for loan on chattels. 6.—(1) Each loan made on a chattel or chattels shall be secured by a chattel mortgage made in accordance with *The Bills of Sale and Chattel Mortgage Act*.

Rev. Stat.,
c. 135.

Security for loan on real estate. (2) Each loan made on real estate acquired by the association shall be secured by a first mortgage on the said real estate made in accordance with *The Short Forms of Mortgages Act*.

Rev. Stat.,
c. 117.

Tax sale subject to mortgage. 7. In case the real estate mortgaged as aforesaid is sold for taxes the title of the purchaser at the sale shall be subject to such mortgage.

Report to Assembly. 8. The Minister shall lay before the Assembly in each session a report of all the loans made under authority of this Act and the regulations.

Statement of association. 9. The association shall once in every year (and when called upon to do so by the Minister) transmit to the Minister a general statement of the funds and effects of the association, the number of members or shareholders therein, and such other information as may be requisite to show clearly the position of the association and the business done during the year, which return shall be verified by the affidavits of the president and secretary.

Notice of annual meeting. 10. The association shall by written notice advise the Minister of the time and place for each annual meeting and the Minister or his agents shall have the privilege of attending all meetings.

Regulations. 11. The Lieutenant-Governor in Council, upon the recommendation of the Minister and subject to the provisions of this Act, may make regulations:

(a)

- (a) Prescribing the form and manner of making application for a loan and the manner in which each application shall be dealt with;
- (b) Providing for inspection and valuation of the property upon which the loan is sought;
- (c) Respecting the enquiries to be made and the information to be furnished with respect to the object of the loan before making the loan;
- (d) With respect to any other matter regarding which the Minister deems regulations necessary for the execution of the purposes of this Act.

12. The Minister may, if in his opinion it is necessary, ^{Minister may call meeting.} by notice to the secretary, call a meeting of the members or shareholders of the association to enquire into its affairs at such time and place as he may specify in the notice.

13.—(1) The Minister may appoint a person to inspect ^{Inspection.} the books, accounts and all property of any association receiving Government aid under this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to such inspection; and all officers of any such association whenever required so to do shall submit the books and accounts thereof to such inspection and shall truly to the best of their knowledge answer all questions put to them in relation thereto or to the funds and management of such association.

(2) The Minister may order such alterations or repairs ^{Alterations and repairs.} to be made to the property of the association for the purpose of better securing the loans made under this Act.

14. The contract on which each loan shall be based shall ^{Provisions of contract.} provide for:

- (a) The specific objects for which the loan is asked;
- (b) The methods of expending the loan;
- (c) The methods and manner of redemption of the loan;
- (d) The reports and statements required by the Minister during the life of the loan;
- (e) The right of the Minister to inspect and enquire regarding the undertaking;

(f)

- (f) The requirements regarding insurance of the property and other requirements of the Minister pertinent to each individual loan.

**Rescission
on default
of associa-
tion.**

15.—(1) If the association makes any default in the performance of the terms of the contract on which the loan is based or in the opinion of the Minister fails to perform its functions as a co-operative association, the Minister may without resort to proceedings in equity or at law rescind such contract and resell or otherwise deal with the property acquired, according to his discretion.

**Effect of
rescission.**

(2) The effect of such rescission shall be to vest such property in the Crown absolutely free and discharged of all rights and claims of the association and of all persons claiming or entitled to claim through or under it, for any estate in, or lien, charge or encumbrance upon or against such property.

**Powers of
Minister.**

16. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council.

**Commence-
ment of Act.**

17. This Act shall come into force and take effect on the date upon which it receives the Royal Assent.

CHAPTER 55.

An Act to amend The Ontario Insurance Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Insurance Amendment Act, 1920.* Short title.

2. The clause lettered *b* in section 40 of *The Ontario Insurance Act* is amended by striking out the words "not exceeding six dollars per week" and substituting therefor the words "not exceeding ten dollars per week." Rev. Stat.,
c. 183, s. 4,
cl. b,
amended.

Limitations
upon sick
benefits.

3. Sections 69 and 70 of the said Act are amended by striking out the figures "1910" wherever they appear in the name "*The Insurance Act, 1910 (Canada).*" Ss. 69 and
70 correcting
citation of
"The Insur-
ance Act
(Canada)."

4. Section 99*a* of the said Act as enacted by section 5 of *The Ontario Insurance Amendment Act, 1914*, is hereby amended as follows:— 4 Geo. V,
c. 30, s. 5,
amended.

(a) By striking out the words "firm or corporation" in the third line of subsection 1; Agents
certificate
of authority
limited to
individual.

(b) By repealing subsection 2 of the said section and substituting the following therefor:—

(2) No agent shall act for any company in Ontario unless he has fully complied with the provisions of this section and has procured an agent's certificate of authority from the Superintendent of Insurance to do the class of insurance which that company is licensed or registered to do in the province; Prohibition
on acting
without
certificate.

(c)

(c) By adding the following subsection 2a:—

Divisions
of insurance
business for
which cer-
tificate
required.

(2a) An agent's certificate of authority may be issued for any one or more of the following divisions of insurance business viz: (a) life insurance; (b) fire insurance; (c) casualty insurance. The Superintendent may make regulations specifying the classes of insurance which may be included in these divisions and may include any class of insurance in two or more of the said divisions if in his opinion the character of the business so requires;

Scope of
certificate
of author-
ity.

(d) By repealing subsection 5 and substituting the following therefor:—

(5) An agent having received a certificate of authority may act during the term of such certificate as agent for any company licensed or registered in Ontario to do the class of business to which the said certificate of authority applies.

Rev. Stat.,
c. 183,
s. 163,
subs. 1,
amended.

5. Subsection 1 of section 163 of the said Act is hereby amended by striking out the word "or" in the second line thereof and by inserting after the words "lawful heirs" in the second line thereof the words "or next of kin."

Interpreta-
tion.

Rev. Stat.,
c. 183,
amended.

6. The said Act is amended by inserting therein the following section:—

Amalgama-
tion of
Friendly
Societies.

78j—(1) A friendly society incorporated and registered under the law of Ontario shall not reinsure or amalgamate with or accept the transfer of membership or funds of any other society registered according to the provisions of this Act unless such reinsurance, amalgamation or transfer is evidenced by a contract in writing setting out in full the terms and conditions of such reinsurance, amalgamation or transfer, and such contract is filed with the Superintendent together with a sworn statement of the financial condition of each of such societies by its principal officers and a certificate of such officers duly verified under oath that such reinsurance, amalgamation or transfer has been approved by a vote of two-thirds of the members present or duly represented at a meeting of the supreme legislative

legislative or governing body of each of said societies regularly called.

- (2) The Superintendent may require such additional actuarial or other reports as he may deem necessary, which reports shall be prepared at the expense of the societies.
- (3) If, in his opinion such financial statements are correct and reports satisfactory and the contract in conformity with the provisions of this subsection and such reinsurance, amalgamation or transfer is just and equitable to the members of the societies and that the interests of such members are properly protected by the contract, he may approve such reinsurance, amalgamation or transfer and issue his certificate to that effect and thereupon such contract shall be of full force and effect and binding upon the societies which are parties thereto and upon all members thereof.
- (4) If one of the contracting societies is a friendly society not incorporated under the law of Ontario, the Superintendent shall not issue his certificate until it has been established to his satisfaction that such society has fully complied with the requirements of the law of the legislative authority under which the society was incorporated; provided that a certificate of the supervising insurance official appointed by such legislative authority that such society has fully complied with the requirements of the law of the said authority shall be sufficient evidence to the Superintendent of that fact.

CHAPTER 56.

An Act to amend The Ontario Railway Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 185, s. 235,
amended.
Sunday
operation
of cars.

1. Section 235 of *The Ontario Railway Act* is amended by striking out the figures “50,000” wherever they occur in the said section and substituting therefor the figures “15,000.”

CHAPTER 57.

An Act to amend The Hydro-Electric Railway Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hydro-Electric Railway Act, 1920.* Short title.

2. Subsection 5 of section 4 of *The Hydro-Electric Railway Act, 1914*, as enacted by section 2 of *The Hydro-Electric Railway Act, 1916*, is amended by striking out the word "may" in the third line thereof and substituting therefor the word "shall," and by striking out the words "majority of such electors" in the seventh line and substituting therefor the words "majority of the electors voting thereon," and by striking out the words "until at least three months have expired since the date of the sanctioning of the agreement by the Lieutenant-Governor in Council nor" in the clause lettered *a* to the said subsection 5, and the amendments hereby made shall have effect as to any agreement which has heretofore received the sanction of the Lieutenant-Governor in Council, as provided by subsection 4 of the said section. 6 Geo. V, c. 37, s. 2, amended. Submission of by-law.

3. Subsection 6 of section 4 of *The Hydro-Electric Railway Act, 1914*, as amended by section 3 of *The Hydro-Electric Railway Act, 1916*, is repealed and the following substituted therefor:— 6 Geo. V, c. 37, s. 3, amended.

(6) The agreement may include in its terms the acquiring by purchase or lease of any steam railway, electric railway or street railway or any part or parts thereof or the obtaining of running rights over the same. Purchasing, etc., of railway.

4. Section 7 of *The Hydro-Electric Railway Act, 1914*, is amended by striking out all the words in the first three lines 4 Geo. V, c. 31, s. 7, amended.

Liability
of Province
on bonds.

lines and substituting therefor the following words: "The Province of Ontario shall not be liable in any manner for the payment of any bonds except to the extent of any guarantee given under the provisions of section 8, nor shall the Commission be liable in any manner for the payment of such bonds except to the extent of."

Declaration
as to right
of bond-
holders.

5. It is declared that all bonds heretofore or hereafter issued by the Hydro-Electric Power Commission of Ontario for the construction and equipment of a railway or any section of a railway under *The Hydro-Electric Railways Act, 1914*, or under this Act shall constitute a first mortgage charge upon the railway or section of a railway and the holder of any such bonds upon default of payment thereof, in addition to any other remedy or recourse shall on behalf of himself and all other bond-holders have the same rights and remedies as a mortgagee of the said railway or section.

Construction
of railway by
sections.

6.—(1) Where an agreement has been entered into by the Hydro-Electric Power Commission of Ontario for the construction, equipment, maintenance and operation of a railway under the provisions of *The Hydro-Electric Railway Act, 1914*, and amendments thereto, and notwithstanding that such agreement has not been approved of by the electors of one or more of the municipal corporations named as parties thereto, or has not been executed by any such municipal corporation, the Commission may construct, complete, equip, maintain and operate any section of the railway and may issue the bonds of the Commission for the construction or equipment of such section.

Bonds to be
a charge on
section.

(2) The bonds so issued shall be a charge upon the section of the railway and all the assets, rights, privileges, revenue, works, property and effects belonging thereto or held or used in connection therewith.

Application
of 4 Geo. V,
c. 31.

(3) *The Hydro-Electric Railway Act, 1914*, and amendments thereto shall apply as if such bonds were issued for the construction of a railway under an agreement entered into in accordance with the provisions of the said Act, and such bonds may be guaranteed in the manner provided by section 8 of the said Act.

Requisites
to proceed-
ing by Com-
mission.

(4) The Commission shall not proceed with the construction or equipment of any such section until—

(a) The Lieutenant-Governor in Council has authorized the construction, equipment and operation of such section; and

(b)

- (b) The council of every municipality in or through which such section or any portion thereof is to be constructed has executed the agreement for the construction of the railway, or if the corporation of any municipality in or through which such section or any portion thereof is to be constructed has not approved and executed such agreement, the councils of the remaining municipalities have by resolution as provided by subsection 1 of section 9 of *The Hydro-Electric Railway Act, 1919*, expressed the desire to proceed with the undertaking and have deposited with the Commission additional debentures on the amount required to replace the debentures which would have been deposited by the municipal corporation or municipal corporations failing to execute the agreement.

(5) The corporation of every municipality through or in which any such section, or any portion thereof, is to be constructed shall deposit with the Commission debentures to the amount set out in the schedule to the agreement for the construction of the railway, together with such additional amount as such corporation may undertake to contribute under section 9 of *The Hydro-Electric Railway Act, 1919*, or to such lesser amount as may be necessary to cover the cost of constructing and equipping the section and to provide for the payment of the bonds of the Commission issued therefor.

Deposit of
municipal
debentures.

(6) The debentures deposited by the municipal corporations for the construction of any such section may be dealt with in all respects in the manner provided by section 11 of *The Hydro-Electric Railway Act, 1914*.

Debentures
to be dealt
with under
4 Geo. V,
c. 31, s. 11.

(7) Every such section shall be deemed to be a railway constructed and approved under *The Hydro-Electric Railway Act, 1914*, and the amendments thereto.

Section to
be deemed
a railway.

(8) Except so far as otherwise expressly provided by this section, the construction, equipment, and operation of any such section of the railway, shall not affect or increase or diminish any rights or obligations of the Commission or of any municipal corporation under any agreement theretofore or thereafter executed for the construction of a railway which includes such section, or of any other section thereof, and no municipal corporation shall be liable to contribute to the cost of the railway or to any section thereof beyond the amount limited by the agreement executed by it, except for any additional amount which such corporation may have undertaken to contribute under section 9 of *The Hydro-*

Rights and
obligations
not affected.

Electric

Electric Railway Act, 1919, upon the failure of any other municipal corporation named as a party to the agreement to approve or execute the same.

Section
retroactive
to 1st July,
1919.

(9) This section shall take effect as from the first day of July, 1919.

By-laws
confirmed.

7.—(1) The by-laws, the forms of which are respectively set out in schedule "A" and schedule "B" to this Act, and which have been heretofore respectively submitted to the vote of the municipal electors of the municipalities named in the schedules to the said by-laws are declared to have been so submitted in due compliance with the provisions of *The Hydro-Electric Railway Act, 1914*, and when finally passed by the council of any of the municipalities named in the contracts appended to each of the said by-laws shall be legal, valid and binding upon the corporation and the rate-payers thereof, anything in any general or special Act of this Legislature to the contrary notwithstanding.

Council to
pass by-laws.

(2) It shall be the duty of the council of every municipality in which either of such by-laws have been approved, or shall hereafter be approved by the electors, to finally pass the by-law and give effect to the same.

Contracts
confirmed.

8.—(1) The contracts set out in schedule "A" and schedule "B" to this Act and purporting to be made respectively between the Hydro-Electric Power Commission of Ontario of the first part, and certain municipal corporations shall be deemed to have been made in pursuance of *The Hydro-Electric Railway Act, 1914*, and to comply with the provisions thereof, and the said contracts shall respectively be legal, valid and binding upon the Commission and upon every municipal corporation a party thereto and executing the same, anything in the said Act or in any other general or special Act of this Legislature to the contrary notwithstanding.

Duty of
head and
clerk or
treasurer as
to signing
by-law.

(2) It shall be the duty of the head and the clerk or treasurer of each of the said municipal corporations party to either of the said contracts to sign the contracts and affix the seal of the corporation thereto forthwith after the passing of the by-law approving of the same, whether the same shall have been so submitted before or after the passing of this Act.

Contract
confirmed.

9. The contract set out in schedule "C" to this Act, and purporting to be made between the Detroit United Railway, the Hydro-Electric Power Commission of Ontario, the Sand-

wich.

wich, Windsor and Amherstburg Railway and the Windsor and Tecumseh Electric Railway Company shall be deemed to have been made in pursuance of *The Hydro-Electric Railway Act, 1914*, and to comply with the provisions thereof, and the said contract shall be legal, valid and binding upon the parties thereto, anything in the said Act or in any other general or special Act of this Legislature to the contrary notwithstanding.

10. This Act shall come into force and take effect on the day on which it receives the Royal Assent.

Commence-
ment of
Act.

SCHEDULE "A."

TORONTO AND EASTERN DIVISION.

By-laws to be Ratified by Legislation.

TOWNSHIPS.	DATE PASSED.	BY-LAW No.
York	February 16th, 1920	4892
Scarboro	December 15th, 1919	1000
Pickering	November 21st, 1919	1123
Whitby	December 1st, 1919	1026
Whitby East	December 15th, 1919	857
Darlington	December 29th, 1919	756
TOWNS.		
Whitby	December 1st, 1919	1035
Oshawa	December 22nd, 1919	1452
Bowmanville	December 9th, 1919	987
CITIES.		
Toronto	January 29th, 1920	8299

MUNICIPALITY OF THE

of

BY-LAW No.—.

A by-law to authorize a certain agreement made between The Hydro-Electric Power Commission of Ontario and the municipal corporation of the of and other municipal corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

Whereas it is expedient that the corporation of the of and other municipal corporations should enter into an agreement under *The Hydro-Electric Railway Act, 1914*, and amendments thereto, with the Hydro-Electric Power Commission of Ontario, hereinafter called the Commission, for the construction, equipment and operation of an electric railway in and through the municipality of the of , and certain other municipalities, upon the terms and conditions and subject to the provisions set forth and contained in the agreement set out in this by-law, and according to the routes set forth in schedule "A" to the said agreement;

And whereas the estimated cost of the work under the said agreement is \$8,360,794.00 and whereas the portion of the cost of the construction and equipment of the line to be borne by the corporation of the municipality of the of , is estimated at \$, as set out in schedule "B" to the said agreement, subject to adjustments and apportionment between the corporations by the Commission from time to time, as provided by the said agreement;

And whereas the total amount estimated to be required for the maintenance of the railway, apart from operating expenses, is \$186,588 (the operating revenue being estimated at \$1,118,003, and operation and maintenance at \$658,135);

And whereas the total annual amount estimated to be required, for the period of ten years immediately following the date of the issue of the bonds to be issued under the said agreement, for interest on the said bonds is \$418,040 and thereafter, for the next ensuing

ensuing forty years, the annual amount estimated to be required for sinking fund charges for the retirement of the said bonds is \$83,608 and for interest on the said bonds \$418,040;

And whereas the portion to be borne by the municipality of the _____ of _____, of the said annual amounts estimated to be required for maintenance, sinking fund charges and interest is estimated at \$ _____ for the first ten years, as aforesaid, and thereafter at \$ _____ on the same basis as the portion of the cost of construction and equipment, as aforesaid, subject to adjustments and apportionment between the corporations by the Commission from time to time as provided by the said agreement;

And whereas the amount of the whole rateable property of the corporation according to the last revised assessment roll is \$ _____, and the amount of the debenture debt of the corporation is \$ _____, of which neither principal nor interest is in arrear;

And whereas only a portion of the municipality of the _____ of _____ as enumerated in schedule "C" to the said agreement, is served by said railway;

Therefore the municipal council of the corporation of the _____ of _____ enacts as follows:—

1. It shall be lawful for the corporation of the _____ of _____, and the said corporation is hereby authorized to enter into the following agreement with the Hydro-Electric Power Commission of Ontario and other corporations, the said agreement being hereby incorporated into and forming a part of this by-law, and the _____ and clerk of the corporation are hereby authorized and directed to execute the said agreement upon behalf of this corporation and to attach the seal of the corporation thereto.

2. Only those duly qualified property owners in the _____ of _____, in the district enumerated in schedule "C" of said agreement shall be entitled to vote on the by-law, and any rate required to be levied for payment of debentures or interest thereon shall be raised, levied and collected from the rateable property in such district only.

This indenture made the _____ day of _____ in the year of our Lord, one thousand nine hundred and _____

Between

The Hydro-Electric Power Commission of Ontario (hereinafter called the "Commission") of the first part,

and

The Municipal Corporations of the Township of York, the Township of Scarboro, the Township of Pickering, the Township of Whitby, the Township of East Whitby, the Township of Darlington, the Town of Whitby, the Town of Oshawa, the Town of Bowmanville and the City of Toronto (hereinafter called the "Corporations") of the second part.

Whereas pursuant to *The Hydro-Electric Railway Act, 1914*, and amendments thereto the Commission was requested to enquire into, examine, investigate and report upon the cost of construction and operation of an electric railway or railways to be constructed through certain districts in which the corporations are situated, together with the probable revenue that would result from the operation of such railway or railways;

And

And whereas the Commission has furnished the corporations with such a report showing (1) the total estimated cost, operating revenue and expenses of the railway or railways, and (2) the proportion of the capital cost to be borne by each of the corporations as set forth in schedule "B" attached hereto;

And whereas on receipt of the said report the corporations requested the Commission to construct, equip and operate a system of electric railways (hereinafter called the railway) over the routes laid down in schedule "A" attached hereto, upon the terms and conditions and in the manner herein set forth;

And whereas, the Commission has agreed with the corporations on behalf of the corporations to construct, equip and operate the railway upon the terms and conditions, and in the manner herein set forth, but upon the expressed conditions that the Commission shall not in any way be liable by reason of any error or omission in any estimates, plans or specifications for any financial or other obligation or loss whatsoever by virtue of this agreement or arising out of the performance of the terms thereof;

And whereas the electors of each of the corporations have assented to by-laws authorizing the corporations to enter into this agreement with the Commission for the construction, equipment and operation of the railway as laid down in the said schedules, subject to the following terms and conditions;

And whereas the corporations have each issued debentures for the amounts set forth in schedule "B" attached hereto and have deposited the said debentures with the Commission;

Now, therefore, this indenture witnesseth:—

1. In consideration of the premises and of the agreements of the corporations herein contained, and subject to the provisions of the said Act and amendments thereto, the Commission agrees with the corporations respectively:

(a) To construct, equip and operate the railway through the districts in which the corporations are situate on behalf of the corporations;

(b) To construct and operate the railway over the routes laid down in schedule "A";

(c) To issue bonds, as provided in paragraph 3 of this agreement, to cover the cost of constructing and equipping the railway;

(d) To furnish as far as possible first-class modern and standard equipment for use on the railway, to operate this equipment so as to give the best service and accommodation possible, having regard to the district served, the type of construction and equipment adopted and all other equitable conditions, and to exercise all due skill and diligence so as to secure the most effective operation and service of the railway consistent with good management;

(e) To regulate and fix the fares and rates of toll to be collected by the railway for all classes of service;

(f) To utilize the routes and property of the railway for all purposes from which it is possible to obtain a profit;

(g) To combine the property and works of the railway and the power lines of the Commission where such combination is feasible and may prove economical to both the railway and the users of the power lines;

such rates of discount or premium, and on such terms and conditions as the Commission in its sole discretion shall deem to be in the interest of the railway, the proceeds of such debentures being used solely for the purposes herein contained. The amount of debentures of each corporation sold or disposed of from time to time shall be such proportion as may be fixed by the Commission of the total amount of debentures, due regard being given to the capital invested, the service rendered, the comparative revenue derived, and all other equitable conditions;

(c) To make no agreement or arrangement with, and to grant no bonus, license or other inducement to any other railway or transportation company without the written consent of the Commission;

(d) To keep, observe, and perform the covenants, provisoes and conditions set forth in this agreement intended to be kept and observed and performed by the corporations, and to execute such further or other documents and to pass such by-laws as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this agreement;

(e) To furnish a free right of way for the railway and for the power lines of the Commission over any property of the corporations upon being so requested by the Commission, and to execute such conveyance thereof or agreement with regard thereto as may be desired by the Commission.

3. It shall be lawful, and the Commission is hereby authorized to create or cause to be created, an issue of bonds, and to sell or dispose of the same on behalf of the corporations. Such bonds to be charged upon and secured by the railway, and all the assets, rights, privileges, revenues, works, property and effects belonging thereto or held or used in connection with the railway constructed, acquired, operated and maintained by the Commission under this agreement, and to be for the total amounts mentioned in schedule "B" hereto attached; provided that the Commission may, upon obtaining the consent as herein defined of the majority of the corporations, increase the said bond issue by any amount necessary to cover the capital cost of extending the railway, and may also without such consent increase the said bond issue to cover the cost of additional works or equipment of any kind, for use on the railway, to an extent not exceeding ten per cent. (10%) of the bonds issued from time to time. In order to meet and pay such bonds and interest as the same becomes due and payable, the Commission shall in each year after the expiration of ten years from the date of the issue of the bonds, out of the revenue of the railway, after payments of operating expenses (including electrical power) and the cost of administration, set aside a sufficient sum to provide a sinking fund for the purpose of redeeming the same at maturity. Debentures issued by the corporations, in compliance with clause 2b hereof, shall, to the extent of the par value of any bonds outstanding from time to time, be held or disposed of by the Commission in trust for the holders of such bonds as collateral security for payment thereof, it being understood and agreed that, in the event of any increase of the said bond issue, each corporation shall, upon the request of the Commission, deposit with the Commission additional debentures, as described in clause 2b hereof, to be held or disposed of by the Commission as collateral security for such increase of the said bond issue, and that any debentures held by the Commission in excess of the par value of the outstanding bonds from time to time may be held or disposed of by the Commission to secure payment of any deficit arising from the operation of the railway.

4. In the event of the revenue derived from the operation of the undertaking being insufficient in any year to meet the operating expenses

expenses (including electrical power), the cost of administration and the annual charges for interest and sinking fund on the bonds, and for the renewal of any works belonging in whole or in part to the railway, such deficit shall be paid to the Commission by the corporations upon demand of and in the proportion adjusted by the Commission. In the event of the failure of any corporation to pay its share of such a deficit as adjusted by the Commission, it shall be lawful for the Commission, in the manner provided in clause 2b to dispose of debentures held by the Commission as security for any such deficit. Any arrears by any corporation shall bear interest at the legal rate.

5. Should any corporation fail to perform any of the obligations to the Commission under this agreement, the Commission may, in addition to all other remedies and without notice, discontinue the service of the railway to such corporation in default until the said obligation has been fulfilled, and no such discontinuance of service shall relieve the corporation in default from the performance of the covenants, provisos and conditions herein contained.

6. In case the Commission shall at any time or times be prevented from operating the railway or any part thereof by strike, lockout, riot, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond its control, then the Commission shall not be bound to operate the railway or such part thereof during such time; but the corporations shall not be relieved from any liability or payment under this agreement, and as soon as the cause of such interruption is removed the Commission shall, without any delay, continue full operation of the railway, and each of the corporations shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption.

7. It shall be lawful for, and the corporations hereby authorize the Commission, to unite the business of the railway with that of any other railway system operated in whole or in part by the Commission, and to exchange equipment and operators from one system to the other, proper provision being made so that each system shall pay its proportionate share of the cost of any equipment used in common.

8. If at any time any other municipal corporation applies to the Commission for an extension of the railway into its municipality, the Commission shall notify the applicant and the corporations, in writing, of a time and place to hear all representations that may be made as to the terms and conditions relating to such proposed extension. If, on the recommendation of the Commission, such extension shall be authorized, without discrimination in favor of the applicant, as to the cost incurred or to be incurred for or by reason of any such extension, the Commission may extend the railway upon such terms and conditions as may appear equitable to the Commission.

No such application for an extension of the railway into any municipality the corporation of which is not a party to this agreement shall be granted if it is estimated by the Commission that the cost of service of the railway to the corporations parties hereto will be thereby increased or the revenue and accommodation be injuriously affected, without the written consent of the majority of the corporations parties hereto.

9. The consent of any corporation required under this agreement shall mean the consent of the council of such corporations, such consent being in the form of a municipal by-law duly passed by the council of the corporation.

10. The Commission shall, at least annually, adjust and apportion between the corporations the cost of construction, equipment, operation, interest, sinking fund, and also the cost of renewing the property of the railway.

11. Every railway and all the works, property and effects held and used in connection therewith, constructed, acquired, operated and maintained by the Commission under this agreement and the said Act shall be vested in the Commission on behalf of the corporations; but the Commission shall be entitled to a lien upon the same for all money expended by the Commission under this agreement and not repaid.

12. Each of the corporations covenants and agrees with the other:

(a) To carry out the agreements and provisions herein contained;

(b) To co-operate by all means in its power at all times with the Commission to create the most favorable conditions for the carrying out of the objects of the agreement and of the said Act, and to increase the revenue of the railway and ensure its success.

13. In the event of any difference between the corporations the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties, and the Commission shall adjust such differences, and such adjustments shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters*.

14. This agreement shall continue and extend for a period of fifty years from the date hereof, and at the expiration thereof be subject to renewal, with the consent of the corporations from time to time for like periods of fifty years, subject to adjustment and re-apportionment as herein provided for the purposes of this agreement as though the terms hereof had not expired. At the expiration of this agreement the Commission shall determine and adjust the rights of the corporations, having regard to the amounts paid or assumed by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

15. It is understood and agreed that the rates imposed for the share of the cost to be borne by those municipalities listed in schedule "C" attached hereto, shall be imposed upon the rateable property set forth respectively in the said schedule.

16. This agreement shall not come into effect until it has been sanctioned by the Lieutenant-Governor in Council.

In witness whereof the Commission and the corporations have respectively affixed their corporate seals and the hands of their proper officers.

SCHEDULE "A."

ROUTE.

Toronto-Pickering Section.

Commencing at the proposed terminal in the City of Toronto, the line extends easterly over the property of the Toronto Harbour Commission, thence northerly to the C.N.R., thence easterly to a point near where the C.N.R. crosses St. Clair Avenue, thence extending easterly in a general direction parallel to the G.T.R., crossing Kingston Road at a point near where the latter is intersected by that railway, thence easterly roughly paralleling the Kingston Road, to Pickering.

Pickering-Bowmanville Section.

The line follows the right of way of the present Toronto Eastern Railway through Concession II of the Townships of Pickering, Whitby and Whitby East, passing through the towns of Whitby and Oshawa, thence through Concession II of the Township of Darlington, to Bowmanville.

SCHEDULE "B."

Name of Municipal Corporation.	Total amount of debentures to be issued by the respective municipalities and deposited with the Commission under Clause 2b.
Township of York	\$381,587
Township of Scarboro	892,686
Township of Pickering	482,050
Township of Whitby	280,304
Township of East Whitby	299,943
Township of Darlington	429,680
Town of Whitby	277,955
Town of Oshawa	771,894
Town of Bowmanville	216,030
City of Toronto	4,328,665
Total amount of bonds to be issued mentioned in Clause 3	\$8,360,794

SCHEDULE "B."

ESSEX COUNTY DIVISION.

By-laws to be Ratified by Legislation.

TOWNSHIPS.	DATE PASSED.	BY-LAW No.
Sandwich, West	December 22nd, 1919	561
Sandwich, East	December 23rd, 1919	823
TOWNS.		
Amherstburg	December 23rd, 1919	250 B
Ford City	December 23rd, 1919	175
Ojibway	December 23rd, 1919	67
Sandwich	December 23rd, 1919	831
Walkerville	December 23rd, 1919	766
CITIES.		
Windsor	December 23rd, 1919	2467
		MUNICIPALITY

MUNICIPALITY OF THE

of

BY-LAW No. —.

A by-law to authorize a certain agreement made between The Hydro-Electric Power Commission of Ontario and the municipal corporation of the of and other municipal corporations, for the construction, acquisition, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

Whereas it is expedient that the corporation of the of and other municipal corporations should enter into an agreement under *The Hydro-Electric Railway Act, 1914*, and amendments thereto, with the Hydro-Electric Power Commission of Ontario, hereinafter called the Commission, for the construction, acquisition, equipment and operation of an electric railway in and through the municipality of the of and certain other municipalities, upon the terms and conditions and subject to the provisions set forth and contained in the agreement set out in this by-law, and according to the routes set forth in schedule "A" to the said agreement;

And whereas the estimated cost of the work under the said agreement is \$2,100,000.00, and whereas the portion of the cost of the construction, acquisition and equipment of the line to be borne by the corporation of the municipality of is estimated at as set out in schedule "B" to the said agreement, subject to adjustments and apportionment between the corporations by the Commission from time to time, as provided by the said agreement;

And whereas the total amount estimated to be required for the maintenance of the railway, apart from operating expenses, is \$134,000.00 (the operating revenue being estimated at \$491,000.00) and operation and maintenance at \$339,000.00;

And whereas the total annual amount estimated to be required for the period of ten years immediately following the date of issue of the bonds to be issued under the said agreement for interest on the said bonds is \$95,755.00 and for sinking fund charges is \$18,490.00, and for the period of thirty years following the said ten years period for interest is \$95,755.00 and for sinking fund is \$21,000.00, and for the period of ten years following the said thirty year period for interest is \$12,550.00 and for sinking fund is \$2,510.00;

And whereas the portion to be borne by the municipality of the of of the said annual amounts estimated to be required for maintenance, sinking fund, charges and interest is estimated at for the first ten years, as aforesaid, and for the next following thirty years at and thereafter at on the same basis as the portion of the cost of construction and equipment, as aforesaid, subject to adjustments and apportionment between the corporations by the Commission from time to time as provided by the said agreement;

And whereas the amount of the whole rateable property of the Corporation according to the last revised assessment roll is and the amount of the debenture debt of the corporation of which neither principal nor interest is in arrear;

Therefore, the municipal council of the corporation of the of enacts as follows:—

1. It shall be lawful for the corporation of the of and the said corporation is hereby authorized to enter into the following agreement with the Hydro-Electric Power Commission of Ontario and other corporations, the said agreement being hereby incorporated into and forming a part of this by-law, and the and clerk of the corporation are hereby authorized and directed to execute the said agreement upon behalf of this corporation and to attach the seal of the corporation thereto.

This indenture made the first day of January in the year of our Lord, one thousand nine hundred and twenty,

Between

The Hydro-Electric Power Commission of Ontario (hereinafter called the "Commission") of the first part;

and

The Municipal Corporations of the Township of Sandwich East, the Township of Sandwich West, the Township of Anderdon, the Town of Ford City, the Town of Walkerville, the Town of Sandwich, the Town of Ojibway, the Town of Amherstburg, and the City of Windsor (hereinafter called the "Corporations") of the second part.

Whereas pursuant to *The Hydro-Electric Railway Act, 1914*, and amendments thereto the Commission was requested to enquire into, examine, investigate and report upon the cost of construction and operation of an electric railway or railways to be constructed through certain districts in which the corporations are situated, together with the probable revenue that would result from the operation of such railway or railways;

And whereas the Commission has furnished the corporations with such a report showing (1) the total estimated cost, operating revenue and expenses of the railway or railways, and (2) the proportion of the capital cost to be borne by each of the corporations as set forth in schedule "B" attached hereto;

And whereas on receipt of the said report the corporations requested the Commission to construct, equip and operate a system of electric railways (hereinafter called the railway) over the routes laid down in schedule "A" attached hereto, upon the terms and conditions and in the manner herein set forth;

And whereas the Commission has agreed with the corporations on behalf of the corporations to construct, equip and operate the railway upon the terms and conditions and in the manner herein set forth; but upon the express conditions that the Commission shall not in any way be liable by reason of any error or omission in any estimates, plans or specifications for any financial or other obligation or loss whatsoever by virtue of this agreement or arising out of the performance of the terms thereof;

And whereas the electors of each of the corporations have assented to by-laws authorizing the corporations to enter into this agreement with the Commission for the construction, equipment and operation of the railway as laid down in the said schedules, subject to the following terms and conditions;

And whereas the corporations have each issued debentures for the amounts set forth in schedule "B" attached hereto, and have deposited the said debentures with the Commission;

Now, therefore, this indenture witnesseth:—

1. In consideration of the premises and of the agreements of the corporations herein contained, and subject to the provisions of the said Act and amendments thereto, the Commission agrees with the corporations respectively:

(a) To construct, equip and operate the railway through the districts in which the corporations are situate on behalf of the corporations;

(b) To construct and operate the railway over the routes laid down in schedule "A";

(c) To issue bonds, as provided in paragraph 3 of this agreement, to cover the cost of constructing and equipping the railway;

(d) To furnish as far as possible first-class modern and standard equipment for use on the railway, to operate this equipment so as to give the best service and accommodation possible, having regard to the district served, the type of construction and equipment adopted and all other equitable conditions, and to exercise all due skill and diligence so as to secure the most effective operation and service of the railway consistent with good management;

(e) To regulate and fix the fares and rates of toll to be collected by the railway for all classes of service;

(f) To utilize the routes and property of the railway for all purposes from which it is possible to obtain a profit;

(g) To combine the property and works of the railway and the power lines of the Commission where such combination is feasible and may prove economical to both the railway and the users of the power lines;

(h) To permit and obtain interchange of traffic with other railways wherever possible and profitable;

(i) To supply electrical power or energy for operation of the railway at rates consistent with those charged to municipal corporations;

(j) To apportion annually the capital costs and operating expenses of all works, apparatus and plant used by the railway in common with the Commission's transmission lines in a fair manner, having regard to the service furnished by the expenditure under consideration;

(k) To apply the revenue derived from operation of the railway and any other revenue derived from the undertaking to the payment of operating expenses (including electrical power), the cost of administration, and annual charges for interest and sinking fund on the money invested, and such other deductions as are herein provided for;

(l) To set aside from any revenue thereafter remaining an annual sum for the renewal of any works belonging in whole or in part to the undertaking;

(m) To pay over annually to the corporations, if deemed advisable by the Commission in the interest of the undertaking, any surplus that may remain after providing for the items above mentioned. The division of such surplus between the corporations to be fixed by the Commission on an equitable basis, having regard in the case of each corporation to the capital invested, the service rendered, the comparative benefits derived, and all other like conditions;

(n) To take active steps for the purpose of constructing, equipping and operating the railway at the earliest possible date after
the

the execution of this agreement by the corporations and the deposit of the debentures as called for under clause 2b hereof and to commence operation of each section as soon as possible after its completion;

(o) To make such extensions to the railway described in schedule "A" as may appear advantageous and profitable from time to time.

Provided always that as part of any line of railway to be constructed and operated by the Commission, the Commission may purchase, lease or obtain running rights over any steam railway, electrical railway or street railway or any part thereof and that wherever the words "construction," "constructed," "construct" or "constructing" occur in this agreement they shall be interpreted as including "acquisition," "acquired," "acquire" or "acquiring."

2. In consideration of the premises and of the agreements herein set forth, each of the corporations for itself, and not one for the other, agrees with the Commission:

(a) To bear its share of the cost of constructing, equipping, operating, maintaining, repairing, renewing and insuring the railway and its property and works as established by the Commission, subject to adjustments and apportionment between the corporations by the Commission from time to time;

(b) To issue debentures for the amounts set forth in schedule "B" maturing in fifty years from the date of issue thereof, and bearing interest at a rate of not less than _____ per centum per annum, payable half-yearly at the _____ Bank, at Toronto, Ontario. Such debentures shall be deposited with the Commission previous to the issuing of the bonds mentioned above, and may be held or disposed of from time to time by the Commission as provided for in clause 4 hereof, in such amounts, at such rates of discount or premium, and on such terms and conditions as the Commission in its sole discretion shall deem to be in the interest of the railway, the proceeds of such debentures being used solely for the purposes herein contained. The amount of debentures of each corporation sold or disposed of from time to time shall be such proportion as may be fixed by the Commission of the total amount of debentures, due regard being given to the capital invested, the service rendered, the comparative revenue derived and all other equitable conditions;

(c) To make no agreement or arrangement with, and to grant no bonus, license or other inducement to any other railway or transportation company without the written consent of the Commission;

(d) To keep, observe and perform the covenants, provisos and conditions set forth in this agreement intended to be kept and observed and performed by the corporations, and to execute such further or other documents and to pass such by-laws as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this agreement;

(e) To furnish a free right of way for the railway and for the power lines of the Commission over any property of the corporations upon being so requested by the Commission, and to execute such conveyance thereof or agreement with regard thereto as may be desired by the Commission.

3. It shall be lawful and the Commission is hereby authorized to create or cause to be created an issue of bonds, and to sell or dispose of the same on behalf of the corporations. Such bonds to be charged upon and secured by the railway, and all the assets, rights, _____ privileges,

privileges, revenues, works, property and effects belonging thereto or held or used in connection with the railway constructed, acquired, operated and maintained by the Commission under this agreement, and to be for the total amounts mentioned in schedule "B" hereto attached; provided that the Commission may, upon obtaining the consent as herein defined of the majority of the corporations, increase the said bond issue by any amount necessary to cover the capital cost of extending the railway, and may also without such consent increase the said bond issue to cover the cost of additional works or equipment of any kind for use on the railway to an extent not exceeding ten per cent. (10%) of the bonds issued from time to time. In order to meet and pay such bonds and interest as the same becomes due and payable the Commission shall in each year after the expiration of ten years from the date of the issue of the bonds out of the revenue of the railway after payments of operating expenses (including electrical power) and the cost of administration set aside a sufficient sum to provide a sinking fund for the purpose of redeeming the same at maturity. Debentures issued by the corporations in compliance with clause 2b hereof, shall, to the extent of the par value of any bonds outstanding from time to time, be held or disposed of by the Commission in trust for the holders of such bonds as collateral security for payment thereof, it being understood and agreed that in the event of any increase of the said bond issue each corporation shall, upon the request of the Commission, deposit with the Commission additional debentures as described in clause 2b hereof. to be held or disposed of by the Commission as collateral security for such increase of the said bond issue, and that any debentures held by the Commission in excess of the par value of the outstanding bonds from time to time may be held or disposed of by the Commission to secure payment of any deficit arising from the operation of the railway.

4. In the event of the revenue derived from the operation of the undertaking being insufficient in any year to meet the operating expenses (including electrical power), the cost of administration and the annual charges for interest and sinking fund on the bonds, and for the renewal of any works belonging in whole or in part to the railway, such deficit shall be paid to the Commission by the corporations upon demand of and in the proportion adjusted by the Commission. In the event of the failure of any corporation to pay its share of such a deficit as adjusted by the Commission, it shall be lawful for the Commission in the manner provided in clause 2b to dispose of debentures held by the Commission as security for any such deficit. Any arrears by any corporation shall bear interest at the legal rate.

5. Should any corporation fail to perform any of the obligations to the Commission under this agreement, the Commission may, in addition to all other remedies and without notice, discontinue the service of the railway to such corporation in default until the said obligation has been fulfilled, and no such discontinuance of service shall relieve the corporation in default from the performance of the covenants, provisions and conditions herein contained.

6. In case the Commission shall at any time or times be prevented from operating the railway or any part thereof by strike, lockout, riot, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond its control, then the Commission shall not be bound to operate the railway or such part thereof during such time; but the corporations shall not be relieved from any liability or payment under this agreement, and as soon as the cause of such interruption is removed the Commission shall, without any delay, continue full operation of the railway, and each of the corporations shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption.

7. It shall be lawful for, and the corporations hereby authorize the Commission to unite the business of the railway with that of any other railway system operated in whole or in part by the Commission, and to exchange equipment and operators from one system to the other, proper provision being made so that each system shall pay its proportionate share of the cost of any equipment used in common.

8. If at any time any other municipal corporation applies to the Commission for an extension of the railway into its municipality the Commission shall notify the applicant and the corporations, in writing, of a time and place to hear all representations that may be made as to the terms and conditions relating to such proposed extension. If, on the recommendation of the Commission, such extension shall be authorized, without discrimination in favor of the applicant, as to the cost incurred or to be incurred for or by reason of any such extension, the Commission may extend the railway upon such terms and conditions as may appear equitable to the Commission.

No such application for an extension of the railway into any municipality the corporation of which is not a party to this agreement shall be granted if it is estimated by the Commission that the cost of service of the railway to the corporations parties hereto will be thereby increased or the revenue and accommodation be injuriously affected without the written consent of the majority of the corporations parties hereto.

9. The consent of any corporation required under this agreement shall mean the consent of the council of such corporations, such consent being in the form of a municipal by-law duly passed by the council of the corporation.

10. The Commission shall, at least annually, adjust and apportion between the corporations the cost of construction, equipment, operation, interest, sinking fund, and also the cost of renewing the property of the railway.

11. Every railway and all the works, property and effects held and used in connection therewith, constructed, acquired, operated and maintained by the Commission under this agreement and the said Act shall be vested in the Commission on behalf of the corporations; but the Commission shall be entitled to a lien upon the same for all money expended by the Commission under this agreement and not repaid.

12. Each of the corporations covenants and agrees with the other:

(a) To carry out the agreements and provisions herein contained;

(b) To co-operate by all means in its power at all times with the Commission to create the most favourable conditions for the carrying out of the objects of the agreement and of the said Act, and to increase the revenue of the railway and ensure its success.

13. In the event of any difference between the corporations the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties, and the Commission shall adjust such differences, and such adjustments shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters*.

14. This agreement shall continue and extend for a period of fifty years from the date hereof, and at the expiration thereof be subject to renewal, with the consent of the corporations from time to

to time for like periods of fifty years, subject to adjustment and re-apportionment as herein provided for the purposes of this agreement as though the terms hereof had not expired. At the expiration of this agreement the Commission shall determine and adjust the rights of the corporations, having regard to the amounts paid or assumed by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

15. It is understood and agreed that the rates imposed for the share of the cost to be borne by those municipalities listed in schedule "C" attached hereto, shall be imposed upon the rateable property set forth respectively in the said schedule.

16. This agreement shall not come into effect until it has been sanctioned by the Lieutenant-Governor in Council.

In witness whereof the Commission and the corporations have respectively affixed their corporate seals and the hands of their proper officers.

SCHEDULE "A."

ROUTES

Tecumseh-Ford Section.

Leaving Tecumseh the line runs northerly along side of the Highway to Askin's Point on Lake St. Clair, where it turns due west along Lesperance Road to Wolfs; private right-of-way is then used to the end of Ottawa Avenue and then along the said avenue to the easterly limits of the Town of Ford City.

Ford City Section.

From the easterly limits of Ford City the line extends along Ottawa Avenue, Strabane and Sandwich Streets to the westerly limit of the municipality.

Walkerville Section.

One line extends along Sandwich Street from the easterly to the westerly limits of the municipality. A second line extends along Ottawa Street between Lincoln and Walker Roads. A third line extends from the Essex Terminal railway tracks at Walker Road, northerly to Wyandotte Street and west on Wyandotte to the municipal boundary between Walkerville and Windsor. A fourth line extends northerly from Wyandotte along Devonshire Road, Assumption and Victoria Roads to intersect the first line, above-mentioned, on Sandwich Street.

*Windsor City Section.**

One line extends westerly along Sandwich Street from the municipal boundary of the Town of Walkerville to Elm Avenue and then southerly on the said Avenue to London Street. A second line extends westerly from the Walkerville boundary on Wyandotte Street to Ouellette Avenue. A third line extends southerly on Ouellette Avenue from Sandwich to the Race Track that is located on Tecumseh Road. A fourth line extends westerly on London Street from Ouellette to the westerly boundary of the City. A fifth line extends southerly on Wellington Avenue from London Street to Tecumseh Road.

Sandwich

Sandwich Town Section.

From the easterly boundary of the municipality the line extends westerly to the Springs Loop near the Salt Company's plant at the west end of the municipality.

Sandwich-Amherstburg Section.

From the Springs Loop in Sandwich the line extends along Bedford Street and Main Street, Ojibway, to the River Road at Turkey Creek, and then due south along the said River Road to the Town of Amherstburg entering the said town along Apsley and Richmond Streets.

SCHEDULE "B."

Name of Municipal Corporation	Total amount of debentures to be issued by respective municipalities for deposit with the Commission under clause 2b.
Township of Sandwich East	\$260,685
Township of Sandwich West	251,570
Township of Anderdon	143,536
Town of Ford City	64,582
Town of Walkerville	200,940
Town of Sandwich	262,173
Town of Ojibway	44,515
Town of Amherstburg	126,867
City of Windsor	745,132
Total amount of bonds to be issued mentioned in clause 3	\$2,100,000

SCHEDULE "C."

This agreement, made the 14th day of January, one thousand nine hundred and twenty,

Between

Detroit United Railway, a corporation organized and existing under the laws of the State of Michigan, hereinafter called the "Vendor," of the first part;

and

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Purchaser," of the second part;

and

Sandwich, Windsor & Amherstburg Railway, hereinafter called the "Sandwich Company," of the third part;

and

The Windsor & Tecumseh Electric Railway Company, hereinafter called the "Windsor Company," of the fourth part.

Whereas the Vendor owns and controls all the outstanding shares of the capital stock of the Sandwich Company, and all the outstanding shares of the capital stock of the Windsor Company, all of the said shares being fully paid up;

And

And whereas the Vendor has agreed to sell and the Purchaser has agreed to purchase all the assets and undertakings and property of the said companies for the consideration hereinafter mentioned;

Now this agreement witnesseth:—

1. The Vendor agrees to sell and the Purchaser agrees to purchase, as of July first, 1919, all the assets, undertakings and property of every kind and nature belonging to the said companies, or to which the said companies, or either of them, are or is entitled in connection with their or its business, viz.:

(a) All freehold and leasehold lands, easements and interests in lands;

(b) All plant, machinery, rolling stock, works, buildings, fixtures, equipment, apparatus, furniture, stock in trade, stores, goods, chattels and effects, other than supplies as hereinafter defined;

(c) All franchises, patents, licenses, agreements and rights, and all documents, including title deeds, contracts, books of account, plans, records and specifications;

(d) All the outstanding shares of the capital stock of each of the said companies fully paid up, and all shares or other securities in any subsidiary company belonging to the companies or either of them;

(e) All other property to which the said companies or either of them are or is entitled in connection with their or its business, except cash, promissory notes, book accounts, and other bills and accounts receivable, as of the date of completion hereinafter mentioned.

It is understood and agreed that the Vendor shall be entitled to retain, and shall not be obligated to give to the Purchaser, any profits made in carrying on the business of the companies between the said July first, 1919, and the date of completion of this agreement, as hereinafter defined.

For greater certainty, but without restricting the generality of the foregoing, an inventory of assets and undertakings and property of the said companies, as of the said date, is attached to this agreement as schedule "A."

2. The consideration for the sale shall be:

(a) The sum of two million and thirty-nine thousand dollars (\$2,039,000.00), which shall be paid and satisfied by the issue and delivery, in the manner hereinafter described, of bonds of the Hydro-Electric Power Commission of Ontario, of one thousand dollars (\$1,000) each, bearing the date of completion, hereinafter defined, and payable forty years from said date in gold coin of, or equivalent to, the present Canadian standard of weight and fineness, with interest thereon at the rate of four and one-half per cent. per annum, payable half-yearly in like money at the main branch of the Bank of Montreal in the City of Toronto; and guaranteed as to principal and interest by the Province of Ontario;

(b) Payment in cash at the market price for the material and supplies which may be on hand on the date of completion of this agreement, belonging to either of the said companies, on said date, in accordance with an inventory thereof to be prepared by the Vendor, and verified and agreed to by the Purchaser; such inventory to include material of the classes and character shown in
inventory

inventory dated October, 1919, and submitted to the Commission with letter of November third, 1919; and to be identified at the time of the execution of this agreement;

(c) The cost of any extensions and improvements, which are properly chargeable to capital account, and which are made after the signing of this agreement, shall be added to the consideration, but such extensions and improvements shall not be made without notice to and the consent of the Purchaser.

3. The Vendor covenants with the Purchaser that the assets, undertakings and property of the said companies are free from all encumbrances, except the following:—

(a) Trust mortgage by the Sandwich Company, dated December first, 1902, to National Trust Company, Limited, to secure the payment of bonds to the amount of six hundred thousand dollars (\$600,000.00), all of which have been issued and are outstanding and become due as to principal on December first, 1922, and have attached thereto interest coupons at the rate of four and one-half per cent. per annum, payable on the first days of June and December in each year during the currency of said bonds;

(b) Trust mortgage by the Windsor Company, dated September second, 1907, to National Trust Company, Limited, to secure bonds to the amount of three hundred thousand dollars (\$300,000.00), of which have been issued and are outstanding bonds to the amount of one hundred and eighty-nine thousand dollars (\$189,000.00), which become due as to principal on September second, 1927, and have attached thereto interest coupons at the rate of five per cent. per annum, payable on the second days of March and September in each year during the currency of the said bonds.

4. The Purchaser will, on the date for the completion of this agreement, deliver to the Vendor one million two hundred and fifty thousand dollars (\$1,250,000.00) par value of the said Hydro-Electric bonds, and will deliver to said National Trust Company, Limited, of Toronto, seven hundred and eighty-nine thousand Dollars (\$789,000.00) of the said bonds in escrow, to be delivered in whole or in part to the Vendor, upon the payment and retirement, either at maturity or prior thereto, from time to time, of the whole or any part of the said outstanding bond issues of the said companies, aggregating seven hundred and eighty-nine thousand dollars (\$789,000.00), on the basis of the same amount in par value of the bonds so delivered in escrow against the same amount of bonds so paid off and retired. The Purchaser will cause the interest coupons on the bonds so held in escrow to be delivered to the Vendor or its nominees as such coupons fall due, provided that the Vendor will mutually cause to be delivered to the Purchaser the interest coupons on the bonds of the said companies, duly paid and cancelled from time to time, as they fall due.

5. The Vendor covenants with the Purchaser that the Vendor will pay and discharge the said mortgages mentioned in paragraph three hereof, and will pay and retire the principal of the said bonds of the companies, aggregating seven hundred and eighty-nine thousand dollars (\$789,000.00), and all interest coupons thereon, and that the other liabilities of the companies or either of them, whether direct, indirect, contingent, accruing, or accrued, at the time of completion, shall be only those described in schedule "B" hereof, which are to be adjusted to date of completion, and the Vendor covenants with the Purchaser that it will pay and settle all other liabilities not therein mentioned and indemnify the Purchaser from any claim in connection therewith.

6. All current contracts, taxes, local improvement rates, assessments, rents, insurance and interest (other than the interest on the

the said bonds, to be paid by the Vendor), shall be adjusted as of the date of completion, and the balance paid in cash by the Vendor or Purchaser, as the case may be. If any estimate shall, after completion, prove inaccurate, the excess or deficiency, when determined, shall be paid by the party liable.

7. The Vendor agrees to assume all liabilities for injuries and damages of the said companies, or either of them, which may arise prior to the said date of completion, and covenants to protect and save harmless the Purchaser from all claims in connection therewith, and to defend at its own expense any legal proceedings which may be brought in respect thereof;

8. The Vendor agrees to pay to the Purchaser the value of all revenue tickets sold by either of the companies prior to the said date of completion that are taken up for fare, or presented for redemption, for a period of sixty days after the said date of completion forthwith upon the delivery of such tickets by the Purchaser to the Vendor;

9. The Vendor agrees that the companies will, until the date for completion, repair and keep in repair and good working order and condition, reasonable wear and tear only excepted, all assets, undertakings and property of the said companies, and will, pending said date for completion, carry on the respective businesses of the companies in the usual and ordinary manner; and that the assets and property of the companies as of the date of completion will be of not less value than those described in paragraph one and schedule "A" hereof;

10. The Vendor agrees that neither of the said companies will, before the said date of completion, create or issue any further shares of their capital stock respectively, or any bonds, debentures or like securities; and that neither of the said companies will surrender any of their franchise rights or privileges, or do, permit, or permit to be done, or do any act or thing whereby any such rights or privileges may become forfeited or terminated, or liable to forfeiture or termination; and that after completion of this agreement the Vendor will, upon the request and at the expense of the Purchaser, furnish to the Purchaser any and all information in connection with the affairs of the said companies or either of them;

11. Upon the completion of the sale under this agreement the Vendor will cause to be tendered the resignation of all directors of each of the said companies, and undertakes that the boards of directors of the said companies will assist the Purchaser in the acceptance of such resignations and in the election of new directors nominated by the Purchaser and will cause to be tendered the resignation of all officers of the said companies respectively, or cause their employment to be terminated as of the date of completion.

12. This agreement is subject to the following conditions:—

(a) The approval thereof by the Lieutenant-Governor of the Province of Ontario in Council;

(b) The passing by the municipalities in the Province of Ontario affected thereby of the necessary by-laws;

(c) The passing by the Ontario Government of an Order-in-Council authorizing the guarantee by the Province of Ontario of the Hydro-Electric bonds referred to in paragraph three hereof;

13. The date for completion of this agreement shall be sixty days after the fulfilment of the conditions stated in the next preceding clause. The Purchaser shall notify the Vendor as soon as the said conditions have been fulfilled, and not later than January 31st,

1920, that it is prepared to carry out its part of this agreement within sixty days after the fulfilment of the said conditions, whereupon the Vendor shall be prepared within such time to carry out and complete its part of this agreement. Failure on the part of the Purchaser to notify the Vendor, as above provided, shall entitle the Vendor to declare this agreement null and void.

14. The Purchaser shall have thirty days after the giving of the said notice in which to examine the titles and franchises of the companies. The Vendor shall not be obliged to deliver any abstract of title or incur any expense in connection with such examination, but will cause the Purchaser to be permitted to inspect all documents relating to such titles and franchises. If any objection or requisition in respect thereto be made by the Purchaser which the Vendor may be unwilling to comply with, the Vendor shall have the right to rescind this agreement by written notice, provided that the Purchaser may waive such objection or requisition by giving notice in writing to that effect within fifteen days after the receipt of such notice of rescission, and thereupon this agreement shall remain in full force and effect as though such objection or requisition had never been made. If the Purchaser shall not have made any requisition or objection to the said titles and franchises within the said period of thirty days, or if all requisitions or objections so made have been removed or complied with or waived the Purchaser shall be deemed to have accepted the said titles and franchises.

15. The Sandwich Company and the Windsor Company and each of them assents to this agreement, and agree and each of them agrees with the Purchaser that they and each of them will, at the expense of the Vendor, facilitate in all reasonable ways the due carrying out of all the terms of this agreement to be carried out by the Vendor, and that they and each of them will act in such manner as the Vendor has herein covenanted that they and each of them will act.

16. This agreement shall be construed according to the law of the Province of Ontario, and the completion thereof shall take place at the office of the Purchaser at Toronto, Ontario.

17. The obligations, rights and benefits of the Vendor and Purchaser shall be binding upon and extend and enure to their successors and assigns respectively.

In witness whereof these presents have been duly executed by the parties hereto the date and year first above written.

Signed, Sealed and Delivered in
the presence of

Attest. (Seal.)

A. E. PETERS, *Secretary.*

(Seal.)

Attest,

A. E. PETERS, *Secretary.*

Attest.

A. E. PETERS, *Secretary.*

(Seal.)

DETROIT UNITED RAILWAY,

By A. F. EDWARDS,

Vice-President.

THE HYDRO - ELECTRIC
POWER COMMISSION OF
ONTARIO.

By I. B. LUCAS,

Vice-Chairman.

By W. W. POPE, *Secretary.*

SANDWICH, WINDSOR AND
AMHERSTBURG RAILWAY.

By JAMES ANDERSON,

Vice-President.

THE WINDSOR & TECUMSEH
ELECTRIC RAILWAY
COMPANY.

By JAMES ANDERSON,

Vice-President.

(Seal.)

CHAPTER

CHAPTER 58.

The Municipal Amendment Act, 1920.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 192,
s. 53a,
repealed.

1. Section 53a of *The Municipal Act* as enacted by section 3 of *The Municipal Amendment Act, 1918*, and as amended by section 2 of *The Municipal Amendment Act, 1919*, is repealed.

Rev. Stat.,
c. 192
s. 69 (4),
amended.

2. Subsection 4 of section 69 of *The Municipal Act* is amended by striking out the words "in an urban municipality" in the first line thereof.

Rev. Stat.,
c. 192,
amended.

3. *The Municipal Act* is amended by inserting after section 73 thereof the following as section 73a:—

Time for
nomination
and polling
in cities over
200,000.

73a. Notwithstanding the provisions of section 73, the council of any city having a population of not less than 200,000 may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for mayor, controllers, aldermen and the board of education, shall be held on the 21st day of December, except where that day is a Saturday or a Sunday, and in that case on the preceding Friday, and that the polling shall take place on the 1st day of January next thereafter except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed.

Rev. Stat.,
c. 192, s. 240,
amended.

4.—(1) Section 240 of *The Municipal Act* is amended by adding the following as subsection 2:—

Tenure of
office of
auditor.

(2) Every auditor appointed for a city shall hold office during good behaviour and shall be removable for cause by the council upon a vote of two-thirds of the members thereof.

(2)

(2) Section 236 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 192, s. 236,
repealed.

5. Subsection 1 of section 242 of *The Municipal Act* is amended by striking out the words "as a member of the Council of a Township or."

Rev. Stat.,
c. 192,
s. 242 (1),
amended.

6. Subsection 3 of section 263 of *The Municipal Act* is amended by adding thereto the following: "but this subsection shall not apply to a proposed by-law for the purpose of establishing, erecting or constructing by a municipal corporation of a public utility."

Rev. Stat.,
c. 192, s. 263,
amended.

7.—(1) Subsection 3 of section 278 of *The Municipal Act* is amended by inserting the words "a tobacco drier" after the word "factory" in the fourth line thereof.

Rev. Stat.,
c. 192, s. 278,
amended.

(2) Section 396 of *The Municipal Act* is amended by inserting the words "a tobacco drier" after the word "factory" in the sixth line thereof.

Rev. Stat.,
c. 192, s. 396,
amended.

8. Clause *a* of subsection 2 of section 288 of *The Municipal Act* is amended by inserting after the word "houses" in the seventh line thereof the words "public hospitals."

Rev. Stat.,
c. 192, s. 288,
amended.

9. Subsection 1 of section 363 of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat.,
c. 192, s. 363,
repealed.

(1) The board shall, on or before the 1st day of March in each year prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the ensuing year to pay the remuneration of the members of the police force and to provide and pay for offices, watch-houses, watch-boxes, arms, accoutrements, clothing, and other things for the accommodation, use and maintenance of the force.

Submission
of estimates
to Council.

10.—(1) Section 398 of *The Municipal Act* is amended by adding the following as paragraph 28a:—

Rev. Stat.,
c. 192,
amended.

28a. For erecting and placing memorial windows and tablets in commemoration of officers and men of the municipality who have been on active service during the late war with the naval or military forces of Great Britain or her allies:

Memorial
windows,
tablets, etc.

(a) The municipal corporation may borrow money for said purpose by the issue of debentures payable in not more than ten years

Issue of
debentures.

years from the date of issue, and may levy a special rate in each year on all the rateable property in the municipality sufficient to pay the instalments of principal and the interest falling due in respect of the debentures or to pay the interest and provide for a sinking fund to retire the debentures at their maturity;

Assent of electors not required.

- (b) It shall not be necessary to obtain the assent of the electors to any by-law passed under the authority of this section or to observe the formalities in relation thereto prescribed by this Act in respect of other money by-laws.

(2) This section shall come into force and take effect on the day upon which it receives the Royal Assent.

Rev. Stat., c. 192, s. 298, amended.

11.—(1) Section 398 of *The Municipal Act* is amended by adding the following as paragraph 30a:—

Aid to patriotic organizations.

30a. For granting aid to any patriotic organization.

(2) Section 398 of *The Municipal Act* is amended by inserting after paragraph 31 the following as paragraph 31a:—

Membership in Canadian Deep Waterways and Power Association.

31a. For the corporation becoming a member of the Canadian Deep Waterways and Power Association and paying the fees for such membership and for making contributions towards the expenses of such association and paying the expenses of delegates to any meeting of it or upon its business.

Rev. Stat., c. 192, s. 400, par. 49, regulating traffic.

12. Paragraph 49 of section 400 of *The Municipal Act* is amended by adding thereto the following words:—

“Or in which, in the opinion of the council, it is desirable that traffic should be limited to one direction.”

Rev. Stat., c. 192, s. 400, amended.

13. Section 400 of *The Municipal Act* is amended by inserting after paragraph 49 the following as paragraph 49a:—

Safety zones.

49a. For setting aside and designating in a suitable visible manner, on any highway upon which street cars are operated, any part or parts as a “safety zone” and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

14. Subsection 8 of section 402 of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat.,
c. 192,
s. 402 (8),
amended.

- (8) No fees may be imposed, levied or collected for weighing or measuring greater than those contained in the following scale:—

Fees for
weighing
and
measuring.

For weighing a load of hay.....25 cents.

For weighing slaughtered meat, or grain
or other articles exposed for sale, if
weighing less than one hundred
pounds 2 cents.

If weighing more than one hundred
and less than one thousand
pounds 5 cents.

If weighing more than one thousand
pounds10 cents.

For weighing live animals other than
pigs, sheep or calves—
Per head when only one weighed.10 cents.

For each additional animal weighed
at the same time..... 5 cents.

For weighing sheep, pigs or calves—

One or two.....10 cents.

Three, four or five.....15 cents.

Six or seven20 cents.

Eight, nine or ten25 cents.

For each additional animal above ten. 2 cents.

For measuring a load of wood.....10 cents.

15. Paragraph 2f of section 409 of *The Municipal Act* as enacted by section 17 of *The Municipal Amendment Act, 1919*, is amended by striking out the words:—

Rev. Stat.,
c. 192, s. 409,
par. 2f,
amended.

“A building which was on the 1st day of April, 1919,
erected or used for any such purpose so long as
it is used as ”

in the ninth, tenth and eleventh lines thereof.

16. *The Municipal Act* is amended by adding the following as section 410a:—

Rev. Stat.,
c. 192,
amended.

410a. By-laws may be passed by the councils of townships bordering on a city having a population of not less than 100,000:

1. For prescribing the distance from the line of street in front of it at which no building shall be erected or placed.

(a)

- (a) The by-law shall apply only to streets which are less than 66 feet in width, and it shall not be necessary that the distance shall be the same on all parts of the same street.

Passage-
ways.

2. For requiring that in connection with all buildings hereafter erected and used solely as residences, there shall be a passage-way at one side thereof of at least two feet (2') in width from front to three feet (3') in rear of such building.

Prohibiting
licensing,
etc., of
garages.

3. For exercising the powers conferred on cities by paragraph 4 of section 406a, as enacted by 4 Geo. V, c. 33, s. 13, with reference to public garages and the powers conferred on cities having a population of not less than 100,000 by paragraph 1 of section 410 with reference to garages to be used for hire or gain.

Licensing,
regulating
teamsters,
carters,
draymen,
etc.

4. For licensing, regulating and governing teamsters, carters, draymen, drivers and owners of cabs, busses and other vehicles for hire and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers within the township.

Emission of
smoke.

5. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney.

- (a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals, or the manufacture of cement or to dwelling houses, except apartment houses;

(b)

- (b) No person shall incur a penalty for an infraction of the by-law until 90 days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in *The Ontario Gazette* and in a daily newspaper published in the city on which the township borders, for four successive weeks.

17. Paragraph 1 of section 413 of *The Municipal Act* is amended by adding the following as clause e:—

Rev. Stat.,
c. 192, s. 413,
par. 1,
amended.

- (e) Any license issued under paragraph 1 of this section may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the license and such licensee shall not be entitled to deal in any class of second-hand goods not covered by his license.

Scope of
License.

18. Section 424 of *The Municipal Act* is amended by striking out the words "five cents" in the fourth line thereof and substituting therefor the words "ten cents."

Rev. Stat.,
c. 192, s. 424,
amended.

19. Section 424 of *The Municipal Act* is amended by adding the following as subsection 2:—

Rev. Stat.,
c. 192,
s. 424,
amended.

- (2) By-laws may be passed by councils of cities having a population of less than 100,000, towns and villages for paying the members of the council for their attendance at meetings of the council or of its committees at a rate not exceeding five dollars a day.

Payment
of coun-
cillors.

CHAPTER 59.

An Act to reduce Property Qualification of Candidates for Membership in Municipal Councils.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 192, s. 52.

1. Section 52 of *The Municipal Act* as amended by 5 Geo. V, chapter 34, section 11, is repealed and the following substituted therefor:—

Qualification
of candi-
dates.

52.—(1) Every person shall be qualified to be elected a member of the council of a local municipality who

- (a) Is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within two miles of the municipality;
- (b) Is entered on the last revised voters' list as qualified to vote at municipal elections;
- (c) Is a British subject;
- (d) Is of the full age of twenty-one years; and
- (e) Is not disqualified under this or any other Act.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable, or partly of each.

(3) "Householder" shall mean the person who occupies and is assessed as owner or tenant of a dwelling or apart-

ment house or part of a dwelling or apartment house separately occupied as a dwelling.

(4) Where territory has been annexed to an urban municipality, until an assessment roll for the municipality, including such territory, has been made and revised, it shall be sufficient for the purposes of this section if the assessment is upon the last revised assessment roll of the municipality in which the territory, before its annexation, was situated, and for a sufficient amount to qualify him for election to the council of that municipality.

Qualification where land annexed to urban municipality.

(5) Where the inhabitants of a township or locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is of the full age of twenty-one years, a British subject and a householder resident in the municipality.

Qualification in new township.

2. Form 2 appended to *The Municipal Act* is repealed and the following substituted therefor:—

Form 2 repealed.

FORM 2.

DECLARATION OF QUALIFICATION BY CANDIDATE.

I,—A. B. declare that

1. I am a householder residing in this municipality (or am rated on the last revised assessment roll for land held in my own right for an amount sufficient to entitle me to be entered on the voters' list and that I reside in or within two miles of the municipality);
2. I am entered on the last revised voters' list as qualified to vote at municipal elections;
3. I am a British subject and am not a citizen or a subject of any foreign country;
4. I am of the full age of twenty-one years;
5. I am not liable for any arrears of taxes to the corporation of this municipality.

Declared before me at
this
day of

19

}

A. B.

CHAPTER 60.

An Act to amend The Planning and Development Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Planning and Development Amendment Act, 1920*.

8 Geo. V,
c. 38, s. 2 (c)
amended.

2. Clause *c* of section 2 of *The Planning and Development Act* is amended by adding at the end thereof the following words “a joint urban zone shall be deemed to adjoin a city, town or village whenever any part of such joint urban zone is included in the urban zone of such city, town or village.”

8 Geo. V.
c. 38, ss. 10
and 11, re-
pealed.

3. Sections 10 and 11 of *The Planning and Development Act* are repealed, and the following substituted therefor:

Restrictions
on sale or
mortgage by
metes and
bounds of
lands abut-
ting on
highway
less than
66 feet.

10.—(1) In the case of a tract of land within a city, town or village, or in an urban or joint urban zone, which has not been subdivided according to a plan approved under this Act, no part of it which abuts upon a highway of a less width than 66 feet, or which is situate within a distance of 33 feet from the centre line of any such highway, shall be severed from said tract and sold under a description by metes and bounds or otherwise without the approval of the proper municipal council or councils or of the board, and no agreement for sale, deed of conveyance or mortgage in fee of such part of said tract shall be registered without the approval of such council or councils or of the board.

Provided

Provided that this section shall not apply to sales or mortgages of land according to a plan of survey and subdivision registered in the proper registry or land titles office prior to the coming into force of this Act.

Provided further that this section shall not apply in the case of a highway less than 66 feet in width heretofore or hereafter laid out in unorganized territory in accordance with the directions or regulations of the Department of Lands, Forests and Mines.

- (2) Upon tender for registration of any agreement for sale, deed or mortgage to which the provisions of subsection 1 may apply and which has not been so approved by the proper municipal council or councils or the board, the registrar of the proper registry division, or the proper master of titles, as the case may be, may, before registering the same, require satisfactory proof by certificate of an Ontario land surveyor, or otherwise, that no part of the lands described in such agreement, deed or mortgage abuts upon a highway of a less width than 66 feet or is situate within 33 feet of the centre line of any such highway.
- (3) Upon any application for the board's approval under this section the board, before disposing thereof, may require that any such tract of land or any part or parts thereof shall be surveyed and subdivided into lots, and that a plan of such survey and subdivision shall be approved under this Act and registered in accordance with *The Registry Act* or *The Land Titles Act*. Rev. Stat., cc. 124, 126.
- (4) In case the only access to any such tract or any part thereof so severed, sold, conveyed or mortgaged be a public or private street, way, lane or alley, then such street, way, lane or alley shall, for the purposes of this section, be deemed a highway.
- (5) The proper municipal council or councils shall, for the purposes of this section and of section 11 of this Act, be the council of any city, town or village in which the lands or any part of same

same are situate, and in the case of lands situate in an urban zone or joint urban zone, such councils shall be the council of the municipality within which any part of such lands is situate, and also the council of every city, town or village which such urban zone or joint urban zone adjoins.

- (6) The provisions of subsections 3, 4 and 5 of section 7 of *The Planning and Development Act* shall *mutatis mutandis* apply to the approval of any such severance and sale, agreement for sale, deed of conveyance or mortgage in fee.

Approval of
council or
board—how
given.

- 11.—(1) Approval of a plan, severance, sale, agreement for sale, deed or mortgage by a municipal council or by the board shall be indicated by a certificate to that effect upon such plan, agreement, deed or mortgage, or upon the document evidencing such severance and sale, signed by the clerk or secretary respectively, and authenticated by the seal of the municipal corporation or board, as the case may be; any such approval by a town planning commission shall be indicated by a certificate as aforesaid signed by the chairman, and authenticated by the seal of the commission.

- (2) Every person, except a registrar, master of titles or other officer when entitled by law so to do, who alters, changes or defaces any such plan, agreement, deed or mortgage or document evidencing any such severance and sale, after the same has been approved by a municipal council or town planning commission, or by the board, shall incur a penalty of not more than \$200 recoverable under *The Ontario Summary Convictions Act*.

Rev. Stat.,
c. 90.

8 Geo. V,
c. 38, s. 13,
subs. 9,
repealed.

4. Subsection 9 of section 13 of *The Planning and Development Act* is repealed and the following substituted therefor:—

Estimates
of expenditure.

- (9) The commission shall, on or before the first of March, submit to the council estimates of its expenditures for the current year, and the council may cut down and reduce such estimates as may be deemed proper.

CHAPTER 61.

An Act respecting Payment of Insurance on Lives
of Soldiers.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding the provisions of section 33 of *The Statute Law Amendment Act, 1919*, any municipal corporation may pay to the parents, widows, children, brothers or sisters, or to anyone acting in *loco parentis*, insurance effected under the Act passed in the 5th year of His Majesty's reign, chapter 37, or any amendments thereto, upon the lives of officers and men resident in the municipality at the time of enlistment, who during the great European War were on active service with the naval or military forces of the British Empire or Great Britain's allies, where such officers and men have died before discharge from such forces or within such time thereafter as may be fixed by the council of such municipality.

Payment of
insurance
on lives of
soldiers.

CHAPTER 62.

An Act to amend The Railway Employees' Voting Act, 1918.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

8 Geo. V,
c. 33,
amended.

1. *The Railway Employees' Voting Act, 1918*, is amended by adding the following as section 1a:—

"Election,"
"Municipal
elections,"
meaning of.

1a. For the purposes of this Act "election" and "municipal elections" shall apply to and include voting on by-laws and to elections for the board of education or the board of public school trustees where the election is held by ballot.

8 Geo. V,
c. 33,
amended.

2. *The Railway Employees' Voting Act* is amended by adding the following as section 3a:

Petition
for passing
of by-law.

3a. If a petition signed by at least twenty-five of such railway employees is presented to the council at least two weeks prior to the date of the nomination meeting asking that a by-law be passed and declaring that this Act should apply it shall be the duty of the council to pass the by-law in accordance with the petition.

8 Geo. V,
c. 33, s. 4,
amended.

3. Section 4 of *The Railway Employees' Voting Act, 1918*, is amended by striking out the words "other place" in the seventh line and substituting therefor the words "other convenient place."

CHAPTER 63.

The Assessment Amendment Act, 1920.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Paragraph 20 of section 5 of *The Assessment Act*, as enacted by section 3 of 9 Geo. V, c. 50, is amended by striking out the figures “\$1,700” in the fourth line and substituting therefor the figures “\$2,000”; by striking out the figures “\$1,400” in the sixth line and substituting therefor the figures “\$1,700”; by striking out the figures “\$700” in the fourteenth line and substituting therefor the figures “\$1,000”; and by striking out the figures “\$500” in the fifteenth line and substituting therefor the figures “\$800,” so that the said paragraph will then read:—

20. The annual income derived from personal earnings or from any pension, gratuity, or retiring allowance in respect of personal services by any person assessable directly in respect of income under this Act to the amount of \$2,000 where such person is resident in a city or town, or to the amount of \$1,700 where such person is resident in any other municipality, if such person is a householder in the municipality and assessed as such, or being the head of a family, occupies with his family any portion of a dwelling house, although not assessed therefor, and the annual income derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services of every person not being such householder or head of a family to the amount of \$1,000 where he is resident in a city or town, and to the amount of \$800 where he is resident in any other municipality, and the income of any person derived from any investment, or from money on deposit in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities if such income does not exceed \$800, and the income of such person from all sources does not exceed \$1,500.

Exemption
of income.

Rev. Stat.,
c. 195, s. 5,
amended.

(2) Section 5 of *The Assessment Act* is amended by adding the following as paragraph 20a:—

Exemption
of \$200 for
each child
under 18.

20a. \$200 of the income derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services of the householder or head of a family mentioned in paragraph 20 for each child under 18 years of age who is dependent upon such householder or head of a family for support.

Rev. Stat.,
c. 195, s. 5,
amended.

(3) Section 5 of *The Assessment Act* is amended by adding the following as paragraph 15a:

Pensions of
soldiers
exempt from
taxation.

15a. Any pension granted to any member of His Majesty's military, naval or air forces for any disability suffered by the pensioner while serving in any of His Majesty's forces during the war that began in August, one thousand nine hundred and fourteen, and any pension granted to any dependent relative of any person who was killed or suffered any disability while serving in the said forces in the said war.

Rev. Stat.,
c. 195, s. 8,
amended.

2. Section 8 of *The Assessment Act* is amended—

(a) By striking out the words, "such income for the purpose of being entitled to vote at municipal elections" in the fourth and fifth lines thereof, and inserting in lieu thereof the words following: "so much of such income as will entitle him to vote at municipal elections;"

(b) By inserting after the word "person" in the eighth line thereof the words following: "together with said income."

Rev. Stat.,
c. 195,
s. 10 (1),
amended.

3. Clause *f* of subsection 1 of section 10 of *The Assessment Act* is amended by inserting after the word "surveyor" in the fifth line the following words:—

"A contractor, an advertising agent, a private detective, an employment agent, an accountant, an assignee, an auditor, an osteopath, a chiropractor, a massagist."

Rev. Stat.,
c. 195,
s. 10 (8),
amended.

4. Subsection 8 of section 10 of *The Assessment Act* is amended by striking out the words:—

"Nor shall any person be assessed in respect of dividends derived by him from shares in the stock

stock of a corporation carrying on a mercantile or manufacturing business and which corporation is subject to assessment under subsection 1."

5. *The Assessment Act* is amended by inserting after Rev. Stat., c. 195, amended. section 19 the following as section 19a:—

19a.—(1) In cities having a population of not less than Declaration as to income. 200,000, every person in receipt of an income liable to assessment shall within the time fixed by by-law of the council forward to the assessment commissioner a statutory declaration according to the form referred to in subsection 1a of section 18 of this Act, showing his total income from all sources during the current year and in ascertaining such income subsection 2 of section 11 shall apply; Provided, however, that this section shall not apply to persons who have made a return to the assessor upon request as provided by section 18.

(2) The council may by the said by-law fix a different date for each ward for the filing of such declarations.

(3) Such declarations may be made before the assessor or as provided in section 228.

6. Section 54 of *The Assessment Act* is amended by in- Rev. Stat., c. 195, s. 54, amended.serting the following as subsection 2:—

(2) If at any time it appears to any assessor or other Omission of income or business assessment. officer of the municipality that during the year any income or business assessment has been omitted from the assessment roll for the current year he shall report the same to the clerk of the municipality who shall forthwith enter the same on the assessment and collectors' rolls for the current year and the party or parties so assessed and taxed shall have the right to appeal as provided in section 118.

7. Section 118 of *The Assessment Act* as enacted by the Rev. Stat., c. 195, s. 118, amended. Act passed in the seventh year of the reign of His Majesty, chaptered 45, section 11, is amended by striking out all the words after the word "income" in the seventeenth line thereof and inserting in lieu thereof the following words:—

"And

“ And has not received such income or has died during the year in which the assessment on such income was made; and the Court of Revision may (subject to the provisions of any by-law in this behalf) remit or reduce the taxes of any such person or reject the petition; and the council may from time to time make such by-laws and repeal or amend the same.”

Rev. Stat.,
c. 195, s. 192,
amended.

8. Section 192 of *The Assessment Act* is amended by adding thereto the following subsection:—

County
by-law ex-
tending
application
of section.

(3) The council of any county may, on the application of the council of any township or village in the county, by by-law, declare that subsection 1 of this section shall thereafter apply and extend to such township or village and thereupon the powers conferred on cities and towns by section 191 or any of the sections referred to in that section, and all duties imposed by the said sections, upon the officers of said cities and towns and the mayors thereof, shall be vested in and apply to the corporation of such township or village and to the reeve or other head thereof, in the same manner, and to the same extent, as in the case of the municipalities mentioned in subsection 1.

Rev. Stat.,
c. 195,
s. 194 (1),
amended.

9.—(1) Subsection 1 of section 194 of *The Assessment Act* is amended by striking out the words “ Districts of Muskoka and Parry Sound ” in the fourth line and substituting therefor the words “ District of Parry Sound.”

S. 194 (2),
amended.

(2) Subsection 2 of the said section 194 is amended by striking out the words “ Districts of Muskoka and Parry Sound ” in the first and second lines and substituting therefor the words “ District of Parry Sound.”

S. 194 (6),
(7), (8),
repealed.

(3) Subsections 6, 7 and 8 of the said section 194 are repealed.

Force
of Act.

(4) This section shall come into force and take effect on the first day of January, 1921.

Date when
ss. 1 to 8
to take
effect.

10. Sections 1 to 8 of this Act shall come into force on the day upon which this Act receives the Royal Assent.

CHAPTER 64.

An Act respecting the Exemption from Taxation
of Improvements, Income and Business.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Municipal Tax Exemption Act, 1920.* Short title.

2. In this Act,

Interpreta-
tion.

(a) "Improvements" shall mean buildings, structures, machinery, and fixtures erected or placed upon, in, over, under or affixed to land;

(b) "Income" shall mean income as defined by clause e of section 2 of *The Assessment Act*;

(c) "Business assessment" shall mean business assessment as defined by section 10 of *The Assessment Act*.

3. Notwithstanding anything contained in *The Assessment Act* or in any general or special Act of this Legislature the council of a city, town, township or village with the assent of the qualified ratepayers as required by *The Municipal Act* may pass a by-law exempting from taxation for all purposes including school purposes for the first year in which the by-law takes effect not less than 10 and not more than 25 per cent. of the assessed value of improvements, income and business assessment and from year to year thereafter a further additional percentage of such assessed value not less than 10 and not more than 25 per cent. until

By-laws for
exemption
of improve-
ments from
taxation on
graduated
scale.

(a) the whole or

(b) such portion as may be fixed by the by-law
of such assessed value is so exempted from taxation.

Amount of rate which may be levied.

4. Notwithstanding anything contained in section 297 of *The Municipal Act* the council of a municipality in which a by-law has been passed under the provisions of this Act may levy a rate sufficient to produce the same amount of money as would be raised by the full rate allowed by the said section if the by-law had not been passed.

Decreasing percentage of exemption.

5. The council may also with the assent of the qualified ratepayers as required by *The Municipal Act* pass a by-law decreasing for the first year in which the by-law takes effect and from year to year thereafter the percentages of exemption granted by the original by-law in the same proportion in which they were increased from year to year under the original by-law until all such exemptions have been removed.

Date for submission of by-law.

6. Every such proposed by-law shall be submitted to the qualified ratepayers only on the day fixed for holding the poll at the annual municipal elections.

Resolution of school board in unorganized township.

7. The board of school trustees of any school section in an unorganized township may pass a resolution under its corporate seal exercising for school purposes the powers conferred by section 3, provided that such resolution has been submitted to and sanctioned at a special meeting of the ratepayers called for the purpose and may also pass a further resolution submitted and sanctioned as above set out exercising the powers conferred by section 5.

Assent of resident ratepayers, on order of Lieutenant-Governor-in-Council.

8. Provided that in the case of organized or unorganized townships, as to general exemptions of improvements from taxation, and as to school sections, the Lieutenant-Governor in Council may by Order in Council provide that the assent of the resident ratepayers shall be substituted for the assent of the qualified ratepayers.

9 Geo. V, c. 102, s. 10, repealed.

9. Section 10 of 9 George V, chapter 102, is hereby repealed.

CHAPTER 65.

An Act to amend The Statute Labour Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Statute Labour Act* is repealed.

Rev. Stat.,
c. 196, s. 3,
repealed.

CHAPTER 66.

An Act respecting the Cultivation of Vacant Land.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Vacant Land Cultivation Act, 1920.*

Power to
grant
permits to
cultivate
vacant land.

2. The councils of cities, towns and villages may pass by-laws:

(a) For granting permits to any person to enter upon, hold and use for the purpose only of cultivating it and raising thereon such crops as may be prescribed by the by-law or permit any vacant land in the municipality for such period not extending beyond the current year and on such terms and conditions as may be thought proper and for regulating and controlling the use of such land by any holder of a permit;

Revoking
of permit.

(b) For revoking any permit for failure to comply with the terms and conditions of the by-law or of the regulations or whenever the council determines that the land is immediately required by the owner for building or manufacturing or other revenue producing purposes.

Fee.

3. The fee for the permit shall not exceed \$1.

Hearing
objections.

4. Before issuing a permit with respect to any parcel of land notice of the intention of the council to issue permits with respect to it and fixing a day for hearing any objections which he may desire to make shall be left with the owner or transmitted to him by post to the address of his residence or place of business in the municipality if he resides or has

a place of business there and if he is not resident in the municipality then by post to his last known place of residence.

5. The council shall not issue a permit with respect to any parcel of land if the owner of it shows to the satisfaction of the council that it will be required by him during the current year for building or manufacturing or other revenue producing purposes. When permit not to issue.

6. No compensation shall be paid to any owner or other person interested in such land for or on account of the exercise of the powers conferred by this Act. No compensation to owner.

7. If the council revokes a permit because it has determined that the land is immediately required by the owner for building, or manufacturing or other revenue producing purposes, it shall pay to the holder of the permit for the loss occasioned by such revocation such compensation not exceeding \$50 in the case of any one permit as may be agreed upon, and in case of failure to agree, as may be determined by the police magistrate, or if there is no police magistrate by a justice of the peace having jurisdiction in the municipality on the application of the council or of the holder of the permit and the fee of the magistrate or justice of the peace for determining the compensation shall be not more than \$2.00, of which half shall be paid by the holder and half by the corporation. Compensation to holder if permit revoked.

8. *The Vacant Land Cultivation Act* and all amendments thereto are hereby repealed. § Geo. V. c. 39, repealed.

CHAPTER 67.

An Act to amend The Municipal Drainage Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Municipal Drainage Amendment Act, 1920.*

Rev. Stat.,
c. 198,
s. 9, (2)
repealed. **2.** Subsection 2 of section 9 of *The Municipal Drainage Act*, as enacted by section 3 of 6 Geo. V, c. 43, is repealed, and the following subsection inserted in lieu thereof:—

Construc-
tion of
access
bridges.

(2) The engineer or surveyor shall also in his report and estimates provide for the construction or enlargement of bridges required to afford access from the lands of owners to the travelled portion of any public highway, and he shall include the cost of the construction or enlargement of such bridges in his assessment for the construction of the drainage work, and they shall, for the purposes of construction and maintenance, be deemed part of the drainage work, and the maintenance thereof may include any enlargement from time to time rendered necessary by the drainage work.

Rev. Stat.,
c. 198,
s. 9, (3)
amended.

3. Subsection 3 of section 9 of *The Municipal Drainage Act* is amended by adding after the word “bridges” in the second and seventh lines the words “and water gate” and by adding at the end of the subsection the following words: “Should the engineer or any surveyor deem it proper that any of such bridges should be constructed and maintained by the drainage scheme, he may so provide by his report.”

Rev. Stat.,
c. 198, s. 9,
amended.

4. Section 9 of *The Municipal Drainage Act* is amended by adding the following as subsection (3a):—

(3a)

- (3a) If the engineer or surveyor thinks it expedient to make an allowance for severance to the owner instead of providing for the construction, enlargement or other improvement of a bridge as provided by the next preceding two subsections of this section, he shall in his report provide for payment to the owner of such amount as he may think just by way of allowance for severance, and shall in his assessment apportion such amount as he may think fit.

5. Section 9 of *The Municipal Drainage Act* is hereby amended by adding thereto the following subsections:—

Rev. Stat.,
c. 198, s. 9,
amended.

- (12) Wherever a drainage work has been or shall be hereafter constructed upon, along, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the corporation, commission, company or person or persons operating such public utility shall have the option of constructing the portion of such drainage work required to be constructed upon, along, under or across its said property.
- (13) In the event of such corporation, commission, company or person or persons not exercising such option and completing such work within a reasonable time and without any unnecessary delay such work may be constructed or completed in the same manner and under the same authority as any other portion of such work.
- (14) In addition to all other sums lawfully assessed against the property of any public utility under the provisions of this Act the public utility shall also be assessed for and shall pay all the increase of cost of the work caused by the construction and operation of the public utility.
- (15) The words "public utility" in this Act shall have the meaning as defined in *The Ontario Railway and Municipal Board Act* and amendments thereto.

Construction of
drainage work by
authority operating
public utility.

Non-exercise
of power.

Excess of
cost—how
borne.

Meaning of
"public
utility."
Rev. Stat.,
c. 186.

6. Subsection 3 of section 69 of *The Municipal Drainage Act* is amended by adding at the end thereof the following words: "In case such assessment upon any land has been

Rev. Stat.,
c. 198,
s. 69, (3)
amended.

commuted

commuted or anticipated by payment in full, then payment shall be made to the owner of such lands as shown by the last revised roll of the municipality in all respects as if such assessment had not been so commuted or anticipated."

Rev. Stat.,
c. 198,
s. 75, (1)
amended.

7. Subsection 1 of section 75 of *The Municipal Drainage Act*, as enacted by section 5 of 6 Geo. V, c. 43, is amended by adding at the end thereof the following words: "No report providing for the variation of an original assessment shall be valid unless the engineer or surveyor shall have been instructed by a resolution of the council to make such variation before he enters upon his duties in respect thereof."

Rev. Stat.,
c. 198,
s. 98, (1)
amended.

8. Subsection 1 of section 98 of *The Municipal Drainage Act* is amended by adding the following subsection (1a):—

Trial by
County
Judge.

(1a) If the referee thinks that any proceeding under the next preceding subsection hereof could be more conveniently heard and tried by a county judge he may in his discretion request the county judge to hear and try such matter or proceeding, and any county judge acting upon such request shall have all the jurisdiction of the referee under this Act.

CHAPTER 68.

An Act to amend The Municipal and School
Accounts Audit Act.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Municipal and School Accounts Audit Amendment Act, 1920.* Short title.

2. *The Municipal and School Accounts Audit Act* is Rev. Stat.,
c. 200,
amended. amended by striking out the words "Attorney-General" wherever they occur in the said Act, and substituting therefor the word "Minister."

3. *The Municipal and School Accounts Audit Act* is Rev. Stat.,
c. 200,
amended. amended by adding the following as section 1a:—

1a. In this Act "Minister" shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned. Interpreta-
tion—
"Minister."

CHAPTER 69.

An Act to consolidate and amend The Public Libraries Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Public Libraries Act, 1920.*
- Interpretation. **2.** In this Act,—
- “Branch library.” (a) “Branch library” shall mean a library maintained as a subsidiary agency and in the same municipality as a public library;
- “Board.” (b) “Board” in Part I shall mean a Public Library Board, in Part II shall mean a Board of Management of a Public Library Association, and in Part III shall include both;
- “Library.” (c) “Library” shall mean a collection of books which may comprise periodicals, magazines and other printed works for circulation or reference and shall include branch libraries, reading rooms, museums, printing and binding bureaux and plants which may be established or used in connection with a library;
- “Minister.” (d) “Minister” shall mean Minister of Education;
- “Regulations.” (e) “Regulations” shall mean regulations made under the authority of this Act or *The Department of Education Act.*

PART I.

Application of Part.

3. The provisions of this Part shall apply to every free public library maintained in whole or in part by municipal taxation and established under the provisions of this Part or under the provisions of any Act for which this Part is substituted.

Establishment of Free Public Libraries.

4. A public library may be established in a city, town, village, police village, township, or school section under the conditions and in the manner hereinafter provided.

Cities, Towns and Villages.

5. The council of a city, town or village may, and upon the receipt of a petition (Form I) signed, in the case of a city or town by at least sixty, and in the case of a village by at least thirty municipal electors, shall prepare and submit to the electors in the manner provided by *The Municipal Act*, a by-law (Form II), for the establishment of a public library.

Townships.

6.—(1) The municipal council of a township may and upon receipt of a petition (Form I) signed by at least sixty municipal electors exclusive of those resident within a police village that is not situate wholly in the township, shall prepare and submit to the electors of the township exclusive of those resident within a police village that is not situate wholly in the township, in the manner provided by *The Municipal Act* a by-law (Form II) for the establishment of a public library.

(2) No part of any police village situate in more than one township shall be subject to taxation for any public library established for a township.

(3) Where a township contains a police village or police villages, every such police village shall be considered as part of the township for the purpose of establishing a public library under this Part, and any public library established by a police village situate in a township shall, upon the establishment of a township public library, become part of such library, but the property of the police village library shall not be removed from the police village.

Police

Police Villages.

In police
villages.

7. The municipal council of a township or the municipal councils of townships in which a police village is situate, upon receipt of a petition (Form I), signed by at least thirty voters resident in the police village, shall prepare and submit to the electors in the police village in the manner provided by *The Municipal Act*, a by-law (Form II) for the establishment of a public library therein.

Duty of Council as to passing By-law.

When
council
to pass
by-law.

8.—(1) Where a by-law submitted to the electors under this Part receives the assent of a majority of the electors voting thereon, it shall be the duty of the council, or in the case of a police village situate in more than one township, it shall be the duty of the councils of the townships to pass such by-law without unnecessary delay, and it shall be the duty of the head of every council and of the clerk, to sign such by-law.

Notice
of vote to
be given
to Minister.

(2) The clerk of the municipality or the clerks of each of the municipalities in which a by-law has been voted upon by the electors and has received the assent of the electors, shall forthwith give notice to the Minister in writing of the number of votes for, and the number of votes against, the by-law in the municipality of which he is clerk.

When
by-law
defeated.

(3) Where the by-law does not receive the assent of the electors no new by-law for the same purpose shall be submitted to the electors in the same calendar year.

School Sections.

Establish-
ment in
school
section.

9.—(1) A public library may be established in any rural school section or in a union school section in an organized township or in territory without municipal organization where such section does not include a police village.

Petition.

(2) The petition for the establishment of a public library in a school section shall be in a form to be supplied by the Minister and shall be signed by a majority of the public and separate school supporters in the section, and upon filing the petition with an affidavit of the due execution thereof with the clerk of the township or the clerks of the townships in which such section or union school section is situate, or where the section or union school section is situate in unorganized territory with the school trustees of the section, the township clerk or township clerks, or the secretary of the school trustees as the case may be, shall examine the same, and if it is found that the petition contains the names
of

of a majority of the public and separate school supporters in the section or union section, shall give notice in writing to the public school trustees and to the separate school trustees, if any, in the school section or union section of the filing of the petition.

(3) Upon receipt of such notice it shall be the duty of the trustees to make appointments to the board of the public library as hereinafter provided. Appointment to board.

(4) The clerk or secretary, as the case may be, shall forthwith give notice in writing to the Minister of the filing of the petition. Notice to Minister.

(5) A public library established in a school section or in a union school section shall become disestablished.— Disestablishment of public library in school section.

(a) When the township or one of the townships in which it is situate establishes a public library in which case the library established by the school section if in a school section wholly situate in the township, shall become part of the township library, and if only partly situate therein the assets of the school section library may be distributed as the Minister may direct;

(b) When a petition demanding the disestablishment of a public library is signed by a majority of the public and separate school supporters of the school section or union school section and is filed with an affidavit of the due execution thereof with the clerk of the township or with the clerk of each of the townships in which the section or union section is situate, or in case of a union section not situate in an organized township, with the secretary of the school trustees of the section, it shall be the duty of the clerk, or of each of the clerks, or of the secretary, as the case may be, to give notice in writing to the Minister of the disestablishment of the library.

Taking over Assets of Library Associations.

10. A library association established under Part II of this Act or under any former Act relating to mechanics' institutes or library associations, may by resolution passed at an annual meeting of the association or at a meeting specially called for the purpose, declare its desire that the library of the association be transferred to a public library board Transfer of assets of library association or mechanics' institute to board.

board appointed in the manner provided by this Part, and thereupon a public library board may be appointed and the assets and property of the association may be transferred to it and the necessary by-laws may be passed for that purpose and for the establishment of the library as a public library under this Part, but it shall not be necessary to submit such by-law to the electors.

Union Boards for Public Library Purposes.

Agreements
for united
action
by boards.

11.—(1) Subject to the Regulations and to the approval of the Minister, the boards of two or more public libraries, with the consent of the municipal councils by which such boards were established, may enter into agreements for the establishment of a union library with or without branches and with or without distributing stations in one or more places agreed upon by the boards.

Terms of
agreement.

(2) The agreement shall specify the proportion of the cost of the establishment and maintenance of the union public library to be borne and paid by each of the boards or shall provide for the manner in which such proportion shall be determined, and shall further provide for the manner in which the assets of the union library shall be divided or disposed of in case of a dissolution of the board.

Contracts with Board for Library Service.

Agreement
for inter-
change of
library
service.

12. Subject to the Regulations and the approval of the Minister and with the consent of the councils by which the boards were established, any two boards may enter into an agreement by which one of them shall receive library service from the other for part or all of the municipality, police village or school section as the case may be, but the board receiving such service shall not be entitled to representation on the board by which such service is rendered.

Agreements
for securing
public
library
services.

13. Subject to the Regulations and to the approval of the Minister, any municipality, police village or school section for which a public library has not been established, may enter into an agreement with a public library board for securing public library services.

Public Library Boards.

Public
library
board.

14. The general management, regulation and control of the library shall be vested in a board which shall be a body corporate by the name of "The Public Library

Board "

Board" (inserting the name of the municipality, police village or school section, as the case may be).

15. Except as otherwise provided by this Act no person who is a member of any one of the bodies entitled to appoint shall be qualified to be a member of the board and no person shall be appointed a member of the board who is not a British subject or who is less than twenty-one years of age, or is not a resident of the municipality, police village or school section except that in the case of an urban municipality, a person may be appointed on the board who is resident in a district adjacent thereto where he is an elector in the municipality in which the library is situate.

Necessary qualifications for board.

Appointments in Cities, Towns and Villages.

16.—(1) The board in a city, town or village shall be composed of the mayor in the city or town, or the reeve of a village and three members to be appointed by the council, three to be appointed by the public school board or board of education qualified to deal with public school affairs in the municipality and two by the separate school board, if any.

Mode of appointment in cities, towns and villages.

(2) Of the three members first appointed by the council and public school board, or board of education respectively, one shall be appointed to hold office until the first day of February after his appointment, one until the first day of February of the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board, one shall be appointed to hold office until the first day of February after his appointment, and one until the first day of February in the following year; but every member shall continue to hold office until his successor is appointed.

Term of office of first members.

(3) Subject to the foregoing provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the first day of February in the year in which he is appointed.

Of subsequent members.

Appointments in Police Villages.

17.—(1) The board in a police village shall be composed of the chairman of the board of police trustees, and two persons appointed by the police trustees, two persons appointed

In police villages.

by

by the board of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

Term of
office of
first
members.

(2) Of the members first appointed by the police trustees and public school board or boards and the separate school board, if any, respectively, one shall be appointed to hold office until the first day of February after his appointment, and one until the first day of February in the following year, but every member shall continue to hold office until his successor is appointed.

Of sub-
sequent
members.

(3) Subject to the foregoing provisions, each of the members appointed to the board in a police village shall hold office for two years from the first day of February, in the year in which he is appointed.

Appointments in Townships.

In town-
ships,
annual
appoint-
ments.

18. The board in a township shall be composed of the reeve of the township and four members appointed by the township council, one of whom shall be a separate school supporter if there is a separate school in the township, and the appointments shall be made annually but every member shall continue to hold office until his successor is appointed.

Appointments in School Sections.

In school
sections.

19. The board in a school section shall be composed of five persons, all of whom shall be appointed by the public school trustees where there is no separate school and where there is a separate school three members shall be appointed by the public school trustees and two members by the separate school trustees, and the appointments shall be made annually.

How a Board of a Union Library shall be Composed.

Union
boards.

20. The board of a union of public libraries shall be composed of the boards of the public libraries forming the union and the two or more boards shall organize as one board.

Time for Appointments.

Time for
making
appoint-
ments.

21. The first appointment of members shall be made at the first meeting of the appointing body, after the final passing of the by-law, and in the case of a school section, after the filing of the petition, and the annual appointments thereafter shall be made at the first meeting of the appoint-
ing

ing body, after the first day of January in each year, and any vacancy arising from any cause, other than the expiration of the time for which a member was appointed, shall be filled at the first meeting thereafter of the appointing body, but if for any reason an appointment is not made at the prescribed time, the same shall be made as soon as may be thereafter.

Vacancies and Disqualification.

22.—(1) In case of a vacancy by death or resignation of a member, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of the term. Vacancies, how filled.

(2) If a member of the board is convicted of any offence against the criminal laws of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality or police village, he shall *ipso facto* vacate his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly. Vacancies by disqualification.

23.—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a member violating the provisions of this section shall *ipso facto* vacate his seat. Members of board not to be parties to contracts, etc.

(2) On the complaint of any ratepayer of the municipality or police village or school section, or of the remaining member or members of the board, the judge of the county or district court or if he is a member of the board, the Master in Chambers shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. Proceeding to vacate seat.

24. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication which is subscribed for or in which an advertisement is inserted by the board. Saving as to newspaper proprietors, etc.

board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question.

Organization, Meetings and Records of the Board.

Chairman. **25.**—(1) The board shall at the first meeting in February of each year elect one of its number as chairman, who shall hold office for one year, and he shall preside at meetings of the board when present, and in his absence a chairman may be chosen *pro tempore*.

Right to vote. (2) The chairman shall have the same right of voting as the other members of the board, and no other, and any question upon which there is an equality of votes shall be deemed to be negatived.

Regular meetings. **26.**—(1) The board shall hold regular meetings at least once in every month from February to June inclusive and from September to January inclusive and at such other times as it may think fit.

Special meetings. (2) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

Quorum. (3) The presence of a majority of all the members constituting a board shall be necessary for the transaction of business at any general or special meeting.

Records of board. (4) All orders and proceedings of the board shall be entered in books to be kept for that purpose and after confirmation by the board shall be signed by the chairman.

Evidence of records. (5) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be the originals thereof, and such books may be produced and read as evidence of the orders and proceedings in any judicial proceeding.

Accounts and audit. **27.**—(1) The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities and the accounts shall be audited by the municipal auditors in like manner as the accounts of a municipality, and shall after having been audited be laid before the council by the board.

(2) All books and records shall be open to the inspection of the Minister or to any person appointed to act on his behalf. Inspection of books by Minister.

28. Subject to the regulations an annual report shall be transmitted to the Minister for each library on forms supplied for the purpose. Annual report.

Limitation in Capital Expenditure from Current Revenue.

29. A board shall not in any year purchase any land or erect any buildings or make any addition or alterations thereto and pay the cost thereof from current revenue without the authority of the municipal council if the cost exceeds a sum equal to one-fifth of the amount to which the board is entitled as a public library rate for the year. Limit of amount of expenditure on capital account.

Purchase and Ownership of Property.

30. Subject to the restrictions and provisions hereinafter contained, the board shall have power to acquire by purchase, expropriation, lease or otherwise, all lands required for library and branch library purposes, and to erect, lease or otherwise procure the necessary buildings therefor; and hold, maintain and repair the same; and shall have power, with the consent of the municipal council, to sell, exchange or otherwise dispose of any lands or buildings which may no longer be required for such purposes. Powers of board as to acquiring and holding property.

Branches, Distributing Stations,—Certain Special Features.

31. A board may establish and maintain one or more branch libraries, distributing stations, reading rooms, art galleries, museums, or any of them, in connection with the library, and may also establish, operate and maintain printing and binding bureaux, or any shop or plant for producing anything required for the library or its grounds. Establishment of branch libraries.

Shall Purchase Books, etc.

32. The board shall purchase books and may purchase newspapers, periodicals, magazines and other printed matter, maps, pictures and specimens illustrative of literature, arts and the sciences, and apparatus and facilities for illustrating by lantern or moving picture, and all other things required for the library, and shall do all things necessary for keeping the same in a proper state of preservation and repair, and shall provide the necessary fuel, lighting and other accommodations. Duty of board as to equipment of library.

Appointment

Appointment of Officers.

Appoint-
ments—
librarian,
secretary,
etc.

33. Subject to the regulations the board shall appoint a librarian, a secretary and a treasurer, and may appoint such other officers and servants as may be required, but one person may be appointed to any two or more offices; all officers and servants shall hold office during the pleasure of the board.

May Make Rules.

Rules.

34.—(1) Subject to the regulations the board may make rules for the use of the library, reading-rooms and museums, and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading rooms and for the management of all property under its control; and may impose penalties for breaches of the rules, not exceeding \$10 for any offence.

Promulga-
tion of
rules.

(2) Such rules shall be binding on all persons concerned after they have been published once a week for at least two weeks in a newspaper published in the municipality or police village and if no newspaper is published therein, they shall be posted in a conspicuous place within the library, and the board shall have for distribution printed copies of the rules, or keep permanently posted the rules in written or printed form in a conspicuous place in the library.

Recovery of Value of Articles.

Right to
damages.

35. Nothing herein shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained from persons liable for the same.

Right to Close Library.

Closing
library for
limited
period.

36. Subject to the regulations the Minister upon the application of the board may authorize the board to close the library for a limited number of days when in the opinion of the board such closing is necessary or expedient.

Building may be Used for Special Purposes.

Permitting
use of
building.

37. A board may permit any part of its library buildings to be used for lectures or meetings to be held for patriotic, charitable or educational purposes, but nothing in this section shall be construed to mean that a board may furnish free light and heat to any municipal body that may occupy a room or rooms in the library or to any other tenant.

Shall

Shall Submit Estimates.

38. The board shall submit to the municipal council or ^{Estimates, what to include.} councils, and in the case of a school section not situate in an organized township, to the trustees of the school section, on or before the first day of March in each year a detailed estimate of the several sums required for the ensuing financial year to pay,—

- (a') The interest on any money borrowed, as herein-after mentioned; and
- (b) The amount required to be raised for the sinking fund, or to pay any instalment of principal and interest; and
- (c) The expense of maintaining and managing the libraries, reading-rooms, museums, evening classes and art schools under its control.

Public Library Rate.

39.—(1) The municipal council of a city, town, village ^{Annual rate.} or township, the council of the township or the councils of the townships in which a police village or school section is situate, or the trustees of a school section if the section is not situate in an organized township, in addition to all other rates and assessments levied and assessed shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed a rate on the dollar of taxable assessment that will yield more than fifty cents per capita of population of the municipality, police village or school section, as shown in the latest revised assessment roll, but by a vote of a majority of the council or board present and voting thereon, such rate may be increased to an amount to yield not more than seventy-five cents per capita of the population.

(2) Notwithstanding anything in this section the council ^{Power to carry out agreements to spend annual sum.} of any municipality that prior to the first day of January, 1917, in any way whatsoever entered into any contract with any person, persons or corporation to expend annually not less than a stated sum for public library maintenance, by reason of receiving a gift, may levy and assess each year a public library rate sufficient to provide a sum to carry out the terms of the contract entered into.

Borrowing

Borrowing on Debentures.

When council may issue debentures on requisition of board.

40.—(1) Where a board requires the council to raise money for the purpose of acquiring a site, or purchasing, erecting or remodelling necessary buildings, and in the first instance, for obtaining books and other things required for the library, the council may, on the requisition of the board, raise such money by special issue of debentures of the municipality, to be termed “Public Library Debentures” provided that the annual amount required for debt charges on the debentures with the annual debt charges for existing debentures does not exceed one-fourth of the public library rate claimable by the board for the year in which the requisition is made, and in the event of a council refusing to raise such sum by debentures, and if the board so requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on by-laws for the creation of debts, in the manner provided by *The Municipal Act* and in the event of the assent of the electors being obtained, it shall be the duty of the council to pass a by-law for raising the amount in the manner provided by that Act but it shall not be necessary to submit such by-law to a vote of the electors.

Power to issue debentures without requisition.

(2) Notwithstanding anything hereinbefore provided in this Act, a municipal corporation may issue debentures for the purposes of this Act according to the provisions of *The Municipal Act*.

Provision for payment out of annual rate.

(3) During the currency of the debentures issued, the council shall withhold and retain, as a first charge on the annual rate the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

How moneys raised to be dealt with.

(4) All moneys levied or raised shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board, save as to the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

Gifts.

Grants from municipal councils.

41. The council of any municipality may at any time make a grant in money or lands or buildings to a board for public library purposes.

NOTE.—As to power of public library board to receive gifts, devises or bequests see *The Mortmain and Charitable Uses Act, R.S.O. 1914, chapter 123, s. 14.*

Libraries to be Free.

42. All libraries established under this Part shall be open to the public free of charge provided, however, that the board may impose such fee as seems proper on non-residents who may desire to use the library.

No charge to be made except to non-residents.

Free Access to Books.

43. The board shall permit the public to have free access to the circulating and reference books of the library but the board may, with the approval of the Minister, prohibit free access to any particular section of the library or to any class of books.

Public to be admitted freely.

Age Limit Not Permitted.

44. No board shall make a rule for the establishment of an age limit for children who may receive library service.

Children not to be excluded.

Agreement for Service to Non-Residents.

45. The teachers' institute of any inspectorate in which a public library is situate may place the books held by such institute in any public library subject to the approval of the Board, and in such cases every member of such teachers' institute shall be entitled to use the public library on the same terms as residents of the municipality in which the library is situate.

Use of public library by teachers' institute.

46. Every farmers' institute or women's institute may affiliate with any public library on terms to be agreed upon with the board, and in the event of such affiliation every member of such farmers' institute or women's institute shall be entitled to use the library on the same terms as residents of the municipality in which the library is situate.

Affiliation of farmers' institute or women's institute.

Public Libraries Heretofore Established are Continued.

47. Every public library heretofore established or continued as a free public library under any Act respecting public libraries is continued and shall be subject to the provisions of Part I. and Part III. of this Act.

Public libraries continued.

PART II.

PUBLIC LIBRARY ASSOCIATIONS.

Establishment.

Incorporation of association.

48. A public library association may be incorporated in the manner hereinafter provided, for the purpose of establishing a public library in any community situated in a municipality or school section that has no public library established under Part I. of this Act.

Declaration—registration and notice to Minister.

49. Ten or more persons, being British subjects and not less than twenty-one years of age, may form an association for establishing a public library by making a declaration in duplicate on forms obtained from the Minister, and filing one copy with an affidavit of the due execution thereof in the office of the Registrar of Deeds for the registration division in which the public library is to be situated, and transmitting to the Minister one copy, with affidavit, and bearing the certificate of registration.

Fee of registrar.

50. For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents.

Corporate name.

51. The persons whose names are subscribed to the declaration, while they remain members, and all persons not under twenty-one years of age who become members of the association and while they remain so, shall be a body corporate to be known as "The Public Library Association", inserting the name of the unincorporated settlement, the village, the town, or the city as the case may be, in which the library is to be established but the name of a township or county may not be used and any name chosen shall be subject to the approval of the Minister.

Not to establish branch libraries.

52. A library association may not establish a branch library, but subject to the approval of the Minister, may establish one or more distributing stations.

Membership.

Who may be members.

53. The membership shall be composed of individuals and not families or other groups of persons, and a register of the membership shall be kept showing the names of the persons, the dates of joining or of renewal of membership, and of expiration of membership, and records of fees paid, and in the register it shall be indicated as to which persons are twenty-one years of age or over.

54. Any person regardless of age may become a member of the association, and all persons over fifteen years of age shall be granted membership on the payment of a uniform fee, but a special uniform fee may be fixed for children under fifteen years of age. Persons under age.

55. No person shall vote or shall be elected as a member of the board who is not a British subject of the full age of twenty-one years. Only British subjects eligible to vote or for board.

56. Where any persons are granted free use of the library, such persons shall be considered as patrons and not as members of the association. Patrons.

57. If from any source the association receives payment for free use of the library or for reduced fees for certain persons, the said persons shall be considered as patrons and not members of the association. Patrons on special terms.

Board of Management.

58. The general management, regulation and control of the library shall be vested in and exercised by a Board of Management, which shall be composed of not less than five nor more than nine persons. Board of management—how composed.

59. The persons whose names are subscribed to the declaration of incorporation shall meet within thirty days after the filing thereof and shall elect from among their number the members of the Board. First election.

60. The members so elected shall hold office until their successors are elected. Term of office.

61. Three members shall form a quorum for transacting the business of the board. Quorum.

62. On the third Monday in January in each year thereafter the members of the association shall hold their annual meeting and elect the members of the board for the year, and if for any reason it is not found practicable to hold the annual meeting on the third Monday in January the board shall arrange for the association to meet as soon thereafter as possible, giving notice to the membership of the change of the date of meeting. Annual meeting.

63. The board shall, as soon after the election as is convenient elect one of its members as president, and shall also appoint a secretary, treasurer, and librarian and such other officers as may be necessary for the purposes of the association. President, secretary, librarian, etc.

Vacancies.

64. In the case of a vacancy by death or resignation of a member, or by any cause other than the expiration of the term for which he was appointed, the remaining members of the board shall appoint a member of the association to fill such vacancy, but should the board be reduced to less than four in number, a meeting of the association shall be called for the purpose of filling the vacancies.

Members of board not to be interested financially in business of library.

65. A member of the board shall not transact, with the board of which he is a member, any business in which he has a pecuniary interest and a member violating the provisions of this section shall *ipso facto* vacate his seat and every contract or agreement entered into by the board in which any member thereof is so interested shall be null and void, but no person shall be disqualified from being a member of the board by reason only of being interested in a newspaper which is subscribed for or in which an advertisement is inserted by the board if payment is at the usual rates.

Notice of Meetings.

Mode of giving notice of meetings.

66. Notice of any meeting of the association may be given by mailing a letter or postal card at least three days before the date set for such meeting to each member of the association, or by posting a notice in the library and in a prominent place not in the library for a period of at least two weeks before the date set for the meeting.

Board shall Provide Accommodation, etc.

Duties and power of board as to buildings and equipment.

67. Subject to the regulations, the board shall provide suitable accommodations for the library, and shall have power to procure, erect or rent buildings for that purpose, and to purchase books, periodicals, newspapers and other reading matter for the library.

Rules and Records.

Rules.

68. The board shall make rules for the management and use of the library and reading-rooms and for conducting the business of the board, for holding regular and special meetings, for defining the duties of the officers of the board, and the fees to be paid by members, and generally for such other matters, not inconsistent with this Act or with the regulations as may be necessary for promoting the usefulness of the public library.

Minutes.

69. Minutes of all the proceedings of the board shall be kept and entered in books to be provided for that purpose by the board.

70. The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited for the year before the annual meeting of the association by two members of the association not members of the board, to be appointed by the chairman of the board. Accounts.

71. Subject to the regulations, an annual report shall be transmitted to the Minister on forms supplied for the purpose. Annual report.

72. All books and records of the library shall be subject to the inspection of the Minister or anyone appointed for the purpose of inspection by the Minister. Inspection.

Dissolution.

73.—(1) The Minister may effect a dissolution of a public library association where— When association may be dissolved.

(a) The membership does not include five persons who are of the full age of twenty-one years and five other persons;

(b) No board has been organized for a period of one year.

(2) A public library association shall *ipso facto* become dissolved where— When to become dissolved *ipso facto*.

(a) A board fails or neglects to keep the library open for one year;

(b) Where a board fails to furnish an annual report as required by this Act or by the Regulations, for two consecutive years.

(3) After the dissolution of the corporation the Minister may take possession of all its books, magazines, and periodicals, and dispose of the same as he may deem proper, but nothing herein contained shall confer any authority or control over any land belonging to a board or library association. Action by Minister after dissolution.

Where Library is Established Under Part I.

74. Where the establishing of a public library under Part I is proposed, the association may, at its annual meeting or at a special meeting to be called for the purpose, by resolution, declare that its assets and property shall be transferred to the public library board after the passing of a by-law under Part I, the board of the association shall transfer the Transfer of assets on establishment of public library under Part I.

assets

assets and property to the public library board appointed under Part I, as directed in the resolution of the association, and after such transfer, the association shall be dissolved.

Transfer
of books,
etc., to
board on
dissolution
of associa-
tion.

75. Where a library or a collection of books exists that was the property of an association which has been dissolved under this Part, and a public library has been established under Part I, the Minister may transfer to the public library board appointed under Part I the books of the former association and may transfer any money received as insurance on books of the former association that were destroyed or damaged by or through fire, and the custodian of the books and magazines or money or both shall transfer the said books or money or both as instructed by the Minister.

Associations Continued.

Present
libraries
continued.

76. Every public library heretofore established or continued as a public library of a public library association under any Act respecting public libraries or mechanics' institutes is continued, and shall be subject to the provisions of Part II and Part III of this Act.

PART III.

GENERAL PROVISIONS.

Provisions for Regulations.

Regula-
tions.

77. Subject to the provisions of any statute in that behalf, the Minister, with the approval of the Lieutenant-Governor in Council, may make regulations—

- (a) For the apportionment and distribution of all money appropriated by the Legislature for public libraries, including grants, organization, services, cost of books, expenses and contingencies, library institutes, library school and travelling libraries, special libraries and library associations;
- (b) For the establishment, organization, management, accommodations, and rules of public libraries;
- (c) For the establishment, organization, management and courses of instruction of library schools, examinations of students, and for the issuance of certificates to successful students, at library schools;

(d)

- (d) Governing the qualifications of librarians and assistants and library clerks in public libraries;
- (e) For conducting the examinations and practical tests prescribed by the regulations and settling the results thereof;
- (f) For granting temporary, interim, special, permanent and renewed certificates of qualification to librarians and assistants;
- (g) For accepting such courses and examinations as the Minister may deem adequate for the academic and professional training of librarians and assistants;
- (h) To suspend or cancel any certificate of qualification granted by the Department;
- (i) For the appointment of an examination board for work in connection with examinations in librarianship and in the general education of candidates wishing to qualify as librarians and assistants, and for prescribing the fees to be paid to members of the examination board, other examiners and presiding officers;
- (j) For the management, use and circulation of the travelling libraries of the Department, and for prescribing the terms upon which they may be obtained by borrowers;
- (k) For the management, and organization of library institutes.

Failure to Comply with Regulations.

78. Where a board in any year fails to comply with the regulations, the Minister may withhold the whole or any part of the Government grant payable to the board for that year.

With-
holding
grant on
default of
board.

Payments for Grants, Services and Equipment.

79. Subject to the regulations, the Minister may authorize to be paid out of any money appropriated for public libraries, grants, organization, services, cost of books, expenses and contingencies—

Payments
out of
legislative
grant—
what
authorized.

(a)

- (a) Grants to boards for public libraries and to branch public libraries;
- (b) Salaries and expenses of officers of the Department employed in work in the interest of libraries in general, and in giving special instructions to boards and librarians;
- (c) The cost and preparation of books, pamphlets, blue-prints, plans of library buildings and of library equipment, engravings, models, manuscripts, photographs, lantern slides, moving-picture films, phonograph records, library supplies, library equipment, apparatus for demonstrating and illustrating library methods, and of such other apparatus or things for libraries or for promotion, organization and advancement of libraries as the Minister may deem necessary and useful;
- (d) The cost of experimenting in the interest of new and improved library methods, and of purchasing the copyright or copyright privileges of any publication useful in the promotion of librarianship and of libraries;
- (e) The cost of library publicity in the interest of libraries as institutions for popular education, and for the purpose of encouraging the establishing of libraries, including cost of publication, preparation of manuscripts, engravings, and the fees and expenses of speakers;
- (f) The expenses of librarians and other library experts to meet in conference with officials of the Department for the purpose of discussing library affairs, and of any librarian or other library expert to represent the Department at a convention, at a library, or at any place for the promotion of library interests;
- (g) Expenses incurred in holding meetings of library institutes;
- (h) The cost of fees and expenses of members of an examining board in connection with examination work and with meetings for the discussion of examinations;
- (i) The cost of storage, packing and shipping of books upon which the Minister holds a claim.

Travelling Libraries.

80.—(1) Subject to the regulations, the Minister may establish and maintain travelling libraries out of such sums as may be appropriated for that purpose, and may purchase books, pamphlets, pictures, phonograph records, maps, globes, charts, lantern slides, moving-picture films and lanterns and appliances, objects and specimens for illustrating the arts, sciences and literatures, book-cases and other containers, and library equipment, and may pay for transportation, rent and storage and librarian's service at distributing centres, and for publicity and for cataloguing, classifying and annotating lists of books, and may employ and pay assistants to aid in circulating the libraries and to operate apparatus, demonstrate and lecture and may pay the travelling expenses of the assistants and of persons appointed to perform librarian's service.

Establishment and maintenance of travelling libraries.

(2) Subject to the regulations, the Minister may extend the use of travelling libraries to schools, colleges, universities, other educational institutions and charitable institutions in the Province, and may procure the necessary requirements and organization to render special service to the schools and other institutions hereinbefore mentioned.

Extending use of travelling library to certain institutions.

Bureau of Home Study.

81. Subject to the regulations the Minister may establish a bureau of home study for the benefit of the people of the Province, and may pay the cost thereof from any money voted by this Legislature for public libraries or for travelling libraries, and may pay for—

Establishment and maintenance of courses of home study.

- (a) The compilation of reading courses by the specialists;
- (b) The compilation and annotation of bibliographies;
- (c) Written lessons of instruction for study and practice.

Library Training Schools.

82. Subject to the regulations, money appropriated for library school purposes may be applied under the direction of the Minister, in providing schools and classes for the training of librarians and assistants, for holding examinations of persons desiring to qualify in librarianship and as assistants in libraries, and providing accommodation for such schools, classes and examinations, for the payment of the fees and expenses of the instructors and examiners, for providing supplies

Application of appropriation for library training schools.

supplies and equipment for such schools, classes and examinations, for the payment of the travelling expenses of students and travelling and board and lodging expenses of students holding positions in small libraries when the Minister deems it necessary or expedient, and for such other purposes in connection with the qualifications of librarians and assistants in libraries and the promotion of their efficiency and usefulness, as the Minister may deem necessary and expedient.

Library Institutes.

Provision
for estab-
lishment
and meet-
ings of
library
institutes.

83. Subject to the regulations, the Minister may—

- (a) Provide for the establishment of library institutes and for the holding of the meetings thereof;
- (b) Employ library experts to attend library institute meetings and pay their travelling and other necessary expenses in going to, staying at and returning from the meetings, but nothing shall be paid to them for services;
- (c) Pay the travelling and other necessary expenses of one delegate from each board in attending a meeting of the institute.

Janitor May be Appointed Constable.

Special
constable.

84. The judge of the county or district court, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be a special constable whose special duty it shall be to preserve the peace in the rooms of the library and in the building in which the library is situate, and to prevent the stealing, injuring or destroying of the property of the board or association, and to apprehend offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of the constable.

Disorderly Conduct Punishable.

Misconduct
in public
library.

85. Any person who wilfully interrupts, or disquiets a public library, reading-room, museum, art school or any class in connection therewith, by rude or indecent behaviour, or by making a noise either within the building or so near thereto as to disturb the persons using the same, shall, for each offence incur a penalty not exceeding \$20.

Repeal.

Rev. Stat.,
c. 202,
repealed.

86. Chapter 202 of the Revised Statutes of Ontario, 1914, and all amendments to the said Act are repealed.

CHAPTER 70.

An Act to amend The Public Parks Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 3 of section 18 of *The Public Parks Act* Rev. Stat., c. 213, s. 18 (3), amended. is amended by striking out the words "one half mill" in the fourth line and substituting therefor the words "one mill," and by striking out all the words in the last line and substituting therefor the words "of the rate authorized by section 297 of *The Municipal Act*."

2. Subsection 5 of section 18 of *The Public Parks Act* Rev. Stat., c. 213, s. 18 (5), amended. is amended by striking out the words "one-half mill" in the seventh line and substituting the words "one mill."

3. Subsection 6 of section 18 of *The Public Parks Act* Rev. Stat., c. 213, s. 18 (6), amended. is amended by striking out the words "half a mill" in the seventh line and substituting therefor the words "one mill."

CHAPTER 71.

An Act to amend The Public Utilities Act.

Assented to June 4th, 1920.

H IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 204,
s. 14, cl. h,
repealed.

1. Clause *h* of section 14 of *The Public Utilities Act* is repealed and the following substituted therefor;

Regulation
of bathing
near source
of water
supply.

- (*h*) Washes or cleanses cloth, wool, leather, skin or animals, or places any noisome or offensive thing, or conveys, casts, throws or puts any filth, dirt, dead carcase or other noisome or offensive thing, or bathes in any lake, river, pond, creek, spring, source or fountain which is the source of supply for such waterworks within such area as may be fixed and defined by order of the Provincial Board of Health, or causes, permits or suffers, the water of any sink, sewer or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled.

CHAPTER 72.

An Act respecting the Establishment of Community Halls and Athletic Fields in Rural Districts.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Community Halls Act*, Short title.
1920.

2. In this Act,—

Interpretation.

(a) "Minister" shall mean Minister of Agriculture; "Minister."

(b) "Regulations" shall mean regulations made under "Regulations."
the authority of this Act.

3.—(1) The Minister may grant aid to the municipal Granting aid to
corporation of a township or incorporated village for the township or
purpose of assisting in providing for a community hall or village for
the establishment and laying out of an athletic field, but community
such grant shall not exceed an amount equal to twenty-five hall and
per cent. of the cost of the building or that part of the build- athletic field.
ing designed for a community hall or of the cost of the
athletic field, nor shall such grant exceed the sum of two
thousand dollars, but grants may be made for the establish-
ment of more than one community hall or athletic field by
the corporation of any one township.

(2) The grant shall be payable out of such sums as may How grants
be appropriated by the Legislature for the purpose of aiding payable.
in the establishment of community halls.

4. All the property acquired for the purposes of this Property
Act shall, except as hereinafter provided, be vested in the vested in
municipal corporation of the township or 'incorporated corporation.
village.

By-law.

5.—(1) The council of the township or village may by by-law provide for the establishment of a community hall or athletic field in accordance with the provisions of this Act in the case of a township in the township or in any incorporated village adjacent or contiguous thereto, or in the case of a village in the village or in a township adjacent or contiguous thereto, and may acquire by purchase or otherwise real and personal property for that purpose, and may enter into an agreement with the council of any adjoining township or village for the joint use of the community hall or athletic field by the inhabitants of the municipalities upon such terms as to contribution to the cost of the hall or athletic field and as to the maintenance thereof as may be agreed upon, but notwithstanding any such agreement the aid to be granted under this Act shall not exceed the amount mentioned in section 3.

Agreement
with
adjoining
municipality.

Debentures.

(2) The corporation of the township may issue debentures for the purposes of subsection 1 in the manner provided by *The Municipal Act*.

When
athletic field
need not be
established.

6. It shall not be necessary for the council of a township or village to establish an athletic field in connection with the establishment of a community hall and the Minister may grant aid under this Act without requiring the establishment of an athletic field where he is of opinion that adequate accommodation for athletic purposes is otherwise provided.

Action by
school
section for
establish-
ment of hall.

7.—(1) Upon a petition being presented to the council of a township, signed by more than one-half the number of ratepayers in any school section or school sections in the township and praying that the council of the township may pass a by-law for the establishment of a community hall or a community hall and athletic field for such school section or school sections, the council may pass a by-law for the establishment of such community hall and athletic field in any school section or in any village adjacent or contiguous thereto and may exercise the power conferred by section 5.

Issue of
debentures.

(2) The moneys required for the establishment of a community hall and athletic field under this section may be raised by the issue of debentures of the township in the manner provided by *The Municipal Act*, but it shall not be necessary to procure the assent of the ratepayers for the passing of any by-law for the issue of such debentures, and all moneys required to provide for sinking fund and interest on the debentures issued under this section or for any other purpose in connection with the establishment of a com-

munity

munity hall and athletic field for a school section shall be raised by special rate upon all property subject to municipal taxation in the school section or school sections, and the word "ratepayer" in this section shall mean persons assessed and liable to taxation for general municipal purposes.

(3) Where debentures are issued under this section, such debentures shall constitute a debt of the corporation of the township to the holder of the debentures and the property liable to assessment and taxation in the school section or school sections shall be liable to the township as a whole for any amounts paid by the township on account of the debentures or interest thereon. Debentures to be a debt of township.

8.—(1) Every community hall and athletic field established under this Act shall be under the management and control of a board appointed by the council, composed as follows:— Board of management

(a) Two members of the council; and

(b) Five members selected by the council from amongst the officers of the local organizations, for the use of which the hall or athletic field is established, and in selecting such representatives, the council shall have regard to the contribution by each organization to the erection and maintenance of the community hall or establishment and maintenance of the athletic field.

(2) The council may fill any vacancy arising on the board from among the class of representatives in which the vacancy occurs. Vacancies on board.

(3) The representatives of the council shall be appointed annually, and shall hold office until their successors are appointed, and every other officer of the board shall hold office for two years from the date of his appointment and until his successor is appointed. Term of office.

9. Any municipal corporation entering into an agreement for the joint use of a community hall or athletic field, and any of the societies or other bodies by which the community hall may be used under the regulations, may make grants out of any moneys in their hands in aid of the erection and maintenance of a community hall or athletic field established under this Act. Grants in aid from other bodies

Community
hall in
connection
with consoli-
dated school.

10. The Minister shall have power to make grants to the board of trustees of any consolidated school which provides athletic grounds of satisfactory area, and a community hall in or in connection with the school, on the same terms as herein set forth, except that such grounds and community halls shall be managed and conducted under the regulations of the Department of Education, and such property shall be vested in the board of the consolidated school, provided always that the community halls and athletic grounds shall be available for the purposes permitted by the regulations.

Regulations.

11. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations respecting the terms and conditions upon which aid may be granted under this Act, the uses to which a community hall or athletic field may be put, and the accommodation which may be provided therein, and generally for the better carrying out of the provisions of this Act.

Act substi-
tuted for
9 Geo. V,
c. 55.

12. This Act is substituted for *The Community Halls Act, 1919.*

CHAPTER 73.

An Act to amend The Public Utilities Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 3 of section 35 of *The Public Utilities Act* is hereby amended by adding at the end thereof the words "nor shall anything in this Act divest the Council of the rights and powers conferred upon it by *The Local Improvement Act*." Rev. Stat., c. 204, s. 35 (3), amended. Rev. Stat., c. 193.

CHAPTER 74.

An Act to amend The Motor Vehicles Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Motor Vehicles Amendment Act, 1920.*

Rev. Stat.,
c. 207,
s. 9 (4),
amended. **2.** Subsection 4 of section 9 of *The Motor Vehicles Act*, as enacted by section 7 of *The Motor Vehicles Amendment Act, 1917*, is amended by inserting the word “parallel” before the word “beam” in the fifth line thereof, and the said section 9 is further amended by adding the following subsection:—

Device for
elimination
of glare.

(4a) Any device for the elimination of glare, approved from time to time by the Minister of Public Works and Highways, when in proper adjustment, and having a lamp of candle power not in excess of that authorized by the Minister for such device, shall be held to be in conformity with the next preceding subsection.

7 Edw. VII,
c. 49,
s. 7 (2),
repealed.

3. Subsection 2 of section 7 of *The Motor Vehicles Amendment Act, 1917*, is repealed.

Rev. Stat.,
c. 207, s. 24
(1),
amended.

4. Subsection 1 of section 24 of *The Motor Vehicles Act* is amended by striking out the figures “14” in the third line thereof.

Rev. Stat.,
c. 207,
amended.

5. *The Motor Vehicles Act* is amended by adding the following as section 24a :

Penalty for
driving
while in-
toxicated.

24a. Every person who violates the provisions of section 14 of this Act shall, for the first offence, be imprisoned for a period not exceeding thirty days and not less than seven days, for a second offence for a period not exceeding three months and not less than one month, and for a subsequent offence for a period not exceeding one year and not less than three months.

CHAPTER 75.

An Act to amend an Act to Regulate the Load of
Vehicles Operated on Highways.

Assented to June 4th, 1920.

1. This Act may be cited as *The Load of Vehicles Amendment Act, 1920.* Short title.

2. Section 3 of *The Load of Vehicles Act* is amended by 6 Geo. V,
c. 49, s. 3,
amended. adding thereto the following subsections:

- (4) During the months of March and April vehicles Weight of
load during
March and
April. operated or objects moved over or upon any highway not within a city or separated town and having a carrying capacity exceeding one ton shall not be loaded in excess of one-half the rated carrying capacity of such vehicle or object, without obtaining a permit as provided by section 4.
- (5) Any constable or peace officer, or any traffic officer Power of
constable
to have load
weighed. of a municipal corporation or commission or of the Department of Public Highways who believes any vehicle to be carrying a weight in excess of the loads permitted by this Act may require the driver of such vehicle to proceed with the vehicle as loaded to the nearest adequate weighing machine, and obtain therefrom a certificate as to the weight of such vehicle and load; but the driver shall not be so required to proceed if it is necessary for him to travel more than one mile out of his way in order to reach such weighing machine.
- (6) Any driver who, when so required to proceed to a Penalty
on driver. weighing machine, refuses or fails to do so, shall incur the penalty provided for a contravention of the provisions of this Act.

Production
of inventory
showing
weight
of truck
and load.

- (7) When a weighing machine cannot be reached within the prescribed distance, or in lieu of proceeding to such weighing machine, the driver of any motor vehicle shall produce an inventory showing the true weight of the truck and the goods or load thereon, verified in writing by the owner of such vehicle.

Weighing
device.

- (8) In lieu of proceeding to a weighing machine the weight of the load may be determined by a portable weighing device provided by the constable, police officer or traffic officer, and it shall be the duty of the driver of the vehicle to facilitate the weighing of the vehicle and load by any such device.

Prohibition
as to carry-
ing load
in excess
of permit.

- (9) No motor vehicle having a permit issued under *The Motor Vehicles Act*, the fee for which is based upon the weight of the vehicle and load, shall at any time when upon a public highway, carry a load in excess of that for which the permit was issued as stated upon such permit, and for which the fee therefor was estimated.

6 Geo. V.
c. 49, s. 6,
repealed.

3. Section 6 of *The Load of Vehicles Act* is repealed, and the following substituted therefor:

Width of
vehicle.

6. No vehicle, including load or contents, shall have a greater width than 96 inches, except traction engines or threshing machines which may have a total width of 110 inches, and except loads of loose fodder, which may have a total width of 120 inches.

6 Geo. V.
c. 49,
amended.

4. Section 4 of *The Load of Vehicles Act* is amended by adding thereto the following subsection:—

Issue of
permit by
Department
of Public
Highways.

- (4) In the case of a vehicle for which a permit is required under this section in order to pass over a highway or highways under the jurisdiction of two or more municipalities or other authorities, the permit so to do may be issued by the Department of Public Highways, which permit shall be in lieu of the several permits to be otherwise obtained from the municipal corporations or other authorities, but the permit shall limit the time and the particular highway or highways which may be used, and may contain any special conditions or provisions which may be deemed necessary to protect such highways from injury.

CHAPTER 76.

An Act to regulate the operation of Public Vehicles.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Public Vehicle Act*, Short title, 1920.

2. In this Act,

Interpre-
tation.

- (a) "Public vehicle" shall mean a vehicle operated by or on behalf of a person carrying on upon the public highway, the business of a public carrier of passengers or freight, and operating between fixed termini or at stated intervals, but shall not apply to the cars of electric or street railways operating on the public highway;
- (b) "Department" shall mean the Department of Public Highways;
- (c) "Public highway" shall mean a highway maintained wholly or in part by the Province of Ontario under *The Highway Improvement Act*, or *The Provincial Highway Act*;
- (d) "Toll" shall mean any fee or rate charged, levied or collected by any person for the carriage of passengers, express or freight by a public vehicle.

3. No person shall conduct upon a public highway by means of a public vehicle the business of a public carrier of passengers or freight, except under license of the Department of Public Highways, and upon payment of such fees and observance of such regulations as may from time to time be fixed and made by the Lieutenant-Governor in Council.

Payment
of annual
license.

4. The license fee for each public vehicle shall be in addition to any fee imposed under *The Motor Vehicles Act* or any other Act.

Regulations
as to
transfer of
licenses.

5. The Lieutenant-Governor in Council may make regulations regarding the issue, renewal and transfer of licenses, the amount and time of payment of such fees, and the registration thereof.

Identifica-
tion plate.

6. A license shall be obtained annually from the Department, at the beginning of each calendar year, and a plate bearing suitable identification marks, and issued by the Department, shall be attached to each public vehicle, in a conspicuous place, and in compliance with such regulations in that regard as the Department may from time to time establish, and no public vehicle shall at any time be operated upon a public highway without having the identification plate so attached.

Number of
passengers
and
tonnage.

7. The license issued by the Department shall fix the number of passengers or tonnage of freight which each public vehicle shall at any time carry, and no vehicle shall at any time carry more passengers or more tonnage than is fixed by the license.

Tolls.

8. No tolls shall be charged until a tariff of such tolls has been filed with and approved by the Department; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Department; nor shall any person charge, levy and collect any toll for any service as a common carrier except under the provisions of this Act.

Power to
cancel or
suspend
license.

9. The Department may at any time cancel or suspend the license issued for any public vehicle by reason of a breach of *The Motor Vehicles Act*, *The Load of Vehicles Act*, *The Highway Travel Act*, or this Act, or of regulations made under this Act.

Penalties.

10. Any person who violates any of the provisions of this Act shall incur a penalty not exceeding \$10 for the first offence, not exceeding \$20 for the second offence, not exceeding \$30 for the third offence, and not exceeding \$50 for any subsequent offence, and any fine so imposed shall be payable to the Department and shall be credited to the Highway Fund Account.

Date when
Act takes
effect.

11. This Act shall come into force and take effect on the day upon which it receives the Royal Assent, but no license fees shall be imposed thereunder for the year 1920.

CHAPTER 77.

An Act respecting Circuses and Travelling Shows.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Travelling Shows Act* Short title.
Amendments Act, 1920.

2. Section 2 of *The Travelling Shows Act* is amended Rev. Stat.,
c. 214, s. 2,
amended. by inserting after the word "show" in the first line thereof the words, "carnival company."

3. Section 9 of *The Travelling Shows Act* is amended Rev. Stat.,
c. 214, s. 9,
amended. by adding at the end thereof the words, "but any prosecution for an offence under this Act may be commenced at any time within twelve months after the committing of the offence."

4. The said Act is also amended by adding thereto the following sections: Rev. Stat.,
c. 214,
amended.

12. Any contract or agreement whereby any person undertakes to procure a license under *The Travelling Shows Act* for the owner, proprietor, manager, agent or person in charge of a menagerie, circus, wild west show, carnival company, trained animal show or show of any kind whatsoever, to which this Act applies, or to provide for payment of or to pay for such license or to indemnify such owner, proprietor, manager, agent or person in charge of such show, against payment for the same as a condition of the exhibiting of any such show or of any performance thereof or which relieves or purports to relieve such owner, proprietor, manager, agent or person in charge from any liability or responsibility with respect to such license shall be unlawful and shall be null and void.

Defence
to action
brought
when
unlawful
contract
made.

13. It shall be a good defence to any action brought by the owner, proprietor, manager, or other person in charge of the show in respect to any exhibition or performance or intended or proposed exhibition or performance or in respect to any matter arising out of the same that such owner, proprietor, agent or other person has with respect to such exhibition or performance or intended or proposed exhibition or performance entered into a contract declared by the preceding section to be unlawful.

CHAPTER 78.

An Act to amend The Ontario Temperance Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Temperance Amendment Act, 1920.* Short title.

2. Subsection 1 of section 35 of *The Ontario Temperance Act* is amended by adding at the end thereof the words "in case such applicant resides in Toronto, such affidavit shall be made before a member of the board." 6 Geo. V, c. 50, s. 35 subs. 1, amended.

3. The returns required to be made to the board by druggists and wholesale druggists under section 38 of *The Ontario Temperance Act* shall hereafter be made quarterly instead of half-yearly and said section 38 is amended by striking out the words "September and March" and inserting instead thereof the words "January, April, July and October" or within ten days of each of said dates. Quarterly returns from druggists and wholesale druggists. 6 Geo. V, c. 50, s. 38, amended.

4. The quantity of liquor which may be kept on the premises of a manufacturing or industrial establishment to be used in case of accident or other emergency shall hereafter be one quart and clause *a* of subsection 4 of section 41 of *The Ontario Temperance Act* as enacted by section 13 of *The Ontario Temperance Amendment Act, 1917*, is amended by striking out the words "one pint" in the second line, and inserting instead the words "one quart." Keeping liquor for emergencies in factory, etc. 7 Geo. V, c. 50, s. 13, amended.

5. Subsection 1 of section 51 of *The Ontario Temperance Act* is amended by inserting after the word "each" in subdivision 1 of clause *a* thereof the words "or a quantity equivalent thereto" and subsection 2 of the said section is amended by striking out the words "six ounces" in the ninth line and substituting therefor the words "one quart." Rights of medical practitioners and dentists. 6 Geo. V, c. 50, s. 51, subs. 1, cl. a, amended.

9 Geo. V,
c. 60, s. 18,
amended.

Medical
prescrip-
tions dealt
with by
vendor.

6. Section 51*b* of *The Ontario Temperance Act* as enacted by section 18 of *The Ontario Temperance Amendment Act, 1919*, is amended by inserting the words "or other order" after the word "prescription" wherever it occurs in the said section.

6 Geo. V,
c. 50,
amended.

7. *The Ontario Temperance Act* is amended by adding thereto the following section:—

Board
authorized
to refuse
supply of
liquor to
doctors, etc.,
under
certain cir-
cumstances.

51*c*.—(1) Notwithstanding anything in *The Ontario Temperance Act* contained the Board of License Commissioners for Ontario may, subject to the provisions hereinafter contained, issue an order refusing to sell or supply liquor to any of the following persons:

- (a) A medical practitioner for any cause which the Board may think sufficient;
- (b) A person holding a prescription for liquor issued by any medical practitioner of the class mentioned in clause (a) unless he satisfies the person having charge of the dispensary that the prescription has been obtained bona fide;
- (c) A druggist who has in the opinion of the Board used or disposed of an unreasonable quantity of liquor without satisfactorily accounting for the same, or who is in default in making the sworn returns required by the Act;
- (d) A dentist for any of the reasons mentioned in clause (c);
- (e) A veterinary surgeon for any of the said reasons.

Proof may
be required
from
holder of
prescrip-
tion.

- (2) In the case of a person mentioned in clause (b) of subsection 1, he may be required to show by statutory declaration that he obtained the prescription in question in a proper manner and that the liquor thereby prescribed was intended for himself or some member of his family to be used medicinally only.

Lists to be
supplied by
medical
council,
etc

- (3) The proper officer of each of the governing bodies having authority over the persons referred to in this

this section shall, on application, supply the Board with a list giving the names and addresses of their respective members in good standing.

8. Section 54 of *The Ontario Temperance Act* is amended 6 Geo. V, c. 50, s. 54, amended. by inserting after the word "occupant" in the first line, the words "or any member of the family of the occupant" and by adding at the end of the said section the words "and any house or portion of a house to which such occupant may remove within one year from the date of such conviction, shall be deemed to have ceased to be a private house within the meaning of this section."

9. Section 55 of *The Ontario Temperance Act* is amended 6 Geo. V, c. 50, s. 55, compelling person having liquor illegally to state name of vendor. by adding after the word "state" in the fifth line of sub-section 3, the words "on oath" and by inserting after the word "information" in the ninth line of said subsection the words "and the provisions of this subsection shall apply to any person convicted of having liquor illegally in his possession or under his control within the meaning of any section of this Act," and by adding the following subsection:

(5) Where a person is convicted of being found drunk or disorderly in a public place and such person has within three months been twice convicted of any such offence he may be committed by the magistrate by whom he is so convicted to gaol or to an industrial farm for a period not exceeding three months. Conviction for drunkenness after two previous convictions.

10. *The Ontario Temperance Act* is amended by adding thereto the following section: 6 Geo. V, c. 50, amended.

67a. Every police magistrate for the City of Toronto shall be *ex officio* a Justice of the Peace in and for any city, town, county, provisional county, or provisional judicial district, or other locality in Ontario for the purpose of taking information and issuing search warrants under the provisions of *The Ontario Temperance Act* or any of its amendments and making the same returnable therein before any justice of the peace or police magistrate having jurisdiction in the place or locality in which the said search warrant is executed. Police magistrates for Toronto to be ex officio J.P.'s for Ontario for certain purposes.

11. With the object of the better regulation of the penalties now authorized by *The Ontario Temperance Act*, Penalties under 6 Geo. V, c. 50, s. 53.

section

section 58 of the said Act is amended by adding thereto the following subsection:

- (2) Notwithstanding anything contained in subsection 1 of this section, a minimum penalty of \$100 and costs may be imposed for an offence under clause (a) of subsection 1 of section 41 of the said Act, and in addition thereto imprisonment for a term not exceeding three months, and the maximum penalty for any other offence under sections 40 or 41, shall be \$2,000 and costs, and in addition thereto imprisonment for a term not exceeding three months for a first offence; the imprisonment in both cases being in the discretion of the convicting magistrate, and subject thereto the provisions of the said section 58 are confirmed.

6 Geo. V,
c. 50, s. 84,
amended.

12. Section 84 of *The Ontario Temperance Act* is amended by adding thereto the following subsection:

Ship or
vessel to be
deemed a
"place."

- (3) Any ship or vessel navigating any of the great lakes or the Rivers St. Lawrence or Ottawa or of any of the inland waters of Canada within the Province of Ontario, and whether actually engaged in such navigation or not, shall be deemed to be a "place" within the meaning of this section and the owner, captain, master or other person in command of any such vessel shall be deemed to be the "occupant" thereof and subject to the provisions of this section.

6 Geo. V,
c. 50, s. 91,
amended.

13. As the amounts allowed to inspectors under certain clauses of section 91 of *The Ontario Temperance Act* are not sufficient to meet the expenses they are intended to cover, the said section 91 is amended by striking out from clause c the words "one way" and by striking out from clause d "\$1 per day" and inserting instead thereof "\$3 per day."

Mileage
and living
allowance
of inspec-
tors.

6 Geo. V,
c. 50, s. 97,
amended.

14. Section 97 of *The Ontario Temperance Act* is amended by adding after the word "inspector" in the fifth line the words "policeman, constable or other officer" and by adding after the word "inspector" in the first line of subsection 2 the words "or other person mentioned in the preceding subsection."

Prosecutions
for second
or subse-
quent
offence.

Administra-
tion of
oaths to
persons
required to
make
returns.

15. In order to facilitate the making of returns to the Board every person appointed under clause (a) of subsection 1, of section 119 of *The Ontario Temperance Act*, shall have power to administer an oath verifying the correct-

ness of any return made under the said Act to any person required to make the same or to any person desiring to make an affidavit under section 35 of the said Act, and each member of the Board shall have similar power, but no fee shall be charged therefor.

16. Section 133 of *The Ontario Temperance Act* respecting druggists is amended by adding at the end of subsection 1 thereof the words "with such further details as the Board may require." 6 Geo. V, c. 50, s. 133, amended. Returns by druggists.

17.—(1) Section 146 of *The Ontario Temperance Act* is amended by adding thereto the following subsections: 6 Geo. V, c. 50, s. 146, amended.

5 (a). No restaurant license or other license to sell the articles or commodities or any of them mentioned in subsection 5 hereof, shall without the consent of the Board be issued by any municipality or under its authority in respect of any premises which form part of a building in which an unlicensed hotel, inn or house of public entertainment is carried on, whether or not there are any internal means of communication between the respective premises; Control of restaurant licenses.

(2) Subsection 6 of said section 146 is amended by striking out all the words after the word "Act" in the fifth line. 6 Geo. V, c. 50, s. 146, sub. 6, amended.

18. *The Ontario Temperance Act* is amended by adding the following section: 6 Geo. V, c. 50, amended.

60a. The commission of any Act or thing forbidden by this Act shall be deemed to be an offence against *The Ontario Temperance Act* whether so declared or not. Doing of anything forbidden to be deemed an offence against Act.

19. Subsection 6 of section 52 of *The Ontario Temperance Amendment Act, 1917*, as re-enacted by section 21 of *The Ontario Temperance Amendment Act, 1919*, is amended by striking out the figures "1919" and substituting therefor the figures "1920." 3 Geo. V, c. 60, s. 21, amended.

20. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 79.

An Act respecting the Business Assessment of
Distillers and Brewers.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 195, s. 10,
cls. a
and b,
declaration
as to con-
struction of.

1. Clauses *a* and *b* of subsection 1 of section 10 of *The Assessment Act* shall be read and construed as though subsection 1 of section 5 of *The Assessment Amendment Act, 1919*, which suspended the operation of the said clauses, had not been passed, and where an assessment roll on which taxes for 1920 may be levied has heretofore been returned by the assessor he may nevertheless amend the roll by assessing every distiller, brewer and maltster occupying or using land in the municipality for the purpose of his business for business assessment based on the amount for which such land is assessed on such roll and there shall be the same right of appeal respecting such business assessment as in the case of other assessments made under *The Assessment Act*.

Taxes to be
added to
collector's
roll.

2. All business assessments added to the assessment roll under the preceding section, when finally revised and all municipal taxes levied thereon, shall be added to the collector's roll for the year 1920 by the clerk of the municipality, and the persons so named in the assessment and collector's rolls shall be liable for the municipal taxes thereon at the rates fixed or to be thereafter fixed for such year.

9 Geo. V,
c. 50.
s. 5 (1)
repealed.

3. Subsection 1 of section 5 of *The Assessment Amendment Act, 1919*, is hereby repealed.

When Act
to come
in force.

4. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

CHAPTER 80.

An Act respecting the Transportation of Intoxicating Liquors.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Liquor Transportation Act*, 1920. Short title.

2. In this Act the word "board" and the word "liquor" shall have the same meaning as in *The Ontario Temperance Act*. Interpretation
"Board,"
"Liquor."

3. This Act shall be read with and as part of *The Ontario Temperance Act*. Extent of
effect of
Act.

4.—(1) Every person within the Province of Ontario who, by himself, his servant or agent, Illegal
transporta-
tion and
delivery.

(a) Transports or carries liquor within Ontario for sale or consumption within the Province; or

(b) Transports or carries liquor from any brewery, distillery, warehouse, storehouse, dock, railway station or other place or premises within Ontario to any other place or premises or to any person in Ontario, for sale or consumption within the Province; or

(c) Delivers liquor to any person in Ontario for sale or consumption within the Province; or

(d) Receives or takes delivery of liquor in Ontario for sale or consumption within the Province,

shall be guilty of an offence and such liquor, wherever the same may be found, may be seized and dealt with in the manner provided by section 70 of *The Ontario Temperance Act* and every person guilty of such offence shall be subject to the penalties provided by section 58 of the said Act. Offence.
s. 50.
Geo. v.

Onus of
proof.

(2) In any prosecution under subsection 1 the burden of proof that liquor transported, carried, delivered or received in or within Ontario was not so transported, carried, delivered or received for sale or consumption in or within Ontario shall be upon the defendant.

Application
of certain
sections of
6 Geo. V,
c. 50.

5. The provisions of *The Ontario Temperance Act* respecting the recovery of penalties and the procedure upon prosecutions and generally as to the enforcement of that Act shall, so far as the same are applicable, apply *mutatis mutandis* to prosecutions under this Act, and to the enforcement of this Act.

Exceptions.

6. Nothing in this Act contained shall prevent or apply to,

Export
trade.

(a) The sale, carriage, transportation or delivery of liquor for export from Ontario;

Trans-
provincial
transporta-
tion.

(b) The carriage or transportation of liquor through Ontario from any place out of Ontario to any other place out of Ontario;

Trans-
actions of
Board.

(c) The sale, carriage, transportation or delivery of liquor by or under the order of the Board;

Receiving
liquor
lawfully
transported.

(d) The carriage, transportation, receiving or taking delivery of liquor which may be lawfully sold, carried, transported or delivered under section 43 or section 154 of *The Ontario Temperance Act*.

Rights
and
powers of
Board.

7. Nothing in this Act contained shall apply to or affect the rights and powers of the Board to purchase, import, sell, supply or deliver liquor for any purpose permitted by *The Ontario Temperance Act*.

6 Geo. V,
c. 50, s. 43,
amended.

8. Section 43 of *The Ontario Temperance Act* is amended by striking out all the words therein after the word "sale" in the fifth line.

Exception
as to
native
wines.

9. Nothing in this Act shall affect or apply to the sale, carriage, transportation or delivery of native wines so far as the same may be lawful under section 44 of *The Ontario Temperance Act*.

Commence-
ment of
Act.

10. This Act shall not come into force or take effect until after a date to be named by the Lieutenant-Governor in Council by his proclamation, nor until after the Governor-

General

General in Council has by order-in-council made the declaration provided for in section 153 of *The Canada Temperance Act*, as amended by *The Act to amend The Canada Temperance Act* passed by the Parliament of Canada in the tenth year of His Majesty's reign.

CHAPTER 81.

An Act to amend The Public Health Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Public Health Amendment Act, 1920.*

Rev. Stat.,
c. 218,
s. 2, cl. k,
repealed. **2.** Clause *k* of section 2 of *The Public Health Act* is repealed and the following substituted therefor:—

“Owner,”
meaning of.

(*k*) “Owner” shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the same if such lands and premises were let.

Corporate
name of
Provincial
Board.

3. The Provincial Board of Health, constituted under the provisions of section 3 of *The Public Health Act*, shall be a body corporate by the name of “The Provincial Board of Health for Ontario.”

Extending
privilege
of payment
by owner
for conveni-
ences to
towns,
villages
and police
villages.

4. Subsection 2 of section 25 of *The Public Health Act* is amended by striking out the words “in any city” in the first line and substituting therefor the words “in a city or in any town, village or police village in which a sewerage system has been established.”

Rev. Stat.,
c. 218, s. 93,
amended.
Protecting
water
supplies
against
pollution.

5. Subsection 1 of section 93 of *The Public Health Act* is amended by adding at the end thereof the words “nor shall anyone bathe or swim in the waters of any such sources of water supply within such area as may be fixed or defined by order of the Provincial Board.”

Regulations
in territory
without
municipal
organiza-
tion.

6. Where any regulation has been made by the Provincial Board of Health with the approval of the Lieutenant-Governor in Council under the provisions of sec. 118 of *The Public Health Act* relating to territory without municipal organization, the regulation may provide for the imposing of penalties for the violation of any regulation made under that section and every such penalty shall be recoverable under *The Ontario Summary Convictions Act* before a police magistrate or two justices of the peace.

Penalties.

Rev. Stat.,
c. 90.

CHAPTER 82.

An Act to amend The Venereal Diseases Prevention Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Venereal Diseases Pre-Short title.*
vention Act, 1920.

2. Section 4 of *The Venereal Diseases Prevention Act* 8 Geo. V.,
c. 42, s. 4,
amended.
is amended by adding the following subsection:

- (8) Where the person infected with venereal disease Where
person
infected is
under
sixteen
years of
age.
is a child under the age of sixteen years, all notices, directions or orders required or authorized by this Act, or by the Regulations to be given in respect of such person shall be given to the father or mother or in case of the death, absence, illness or inability of the father and mother then to the person having for the time being custody of the child, and it shall be the duty of such father or mother or other person to see that such child complies in every respect with every such notice and with any order or direction made in respect of such child by the Medical Officer of Health, and in default the father or mother or other person as the case may be shall be liable to the penalties provided by this Act or by the Regulations for non-compliance with such notice, direction or order unless on any prosecution in that behalf such person proves that he did everything in his power to cause such child to comply with the same.

CHAPTER 83.

An Act to amend The Ontario Housing Act, 1919.

Assented to April 21st, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

9 Geo. V,
c. 54, s. 2,
repealed. **1.** Section 2 of *The Ontario Housing Act, 1919*, is repealed, and the following substituted therefor:—

Application
of Act.

1. This Act shall apply to any local municipality, the Council of which has, before the date on which *The Municipal Housing Act, 1920*, comes into force, passed a by-law declaring that it shall apply.

9 Geo. V,
c. 54,
amended.

2. *The Ontario Housing Act, 1919*, is amended by adding the following as section 2a:—

2a. No commission shall make, nor shall the director approve of any loan under the provisions of this Act after the 31st day of December, 1920, but this shall not prevent payments after that date on account of loans made by a commission and approved by the director.

9 Geo. V,
c. 54, s. 6,
amended.

3. Section 6 of *The Ontario Housing Act, 1919*, is amended by adding at the end thereof the following words: "and the money so borrowed may be paid out of the Consolidated Revenue Fund of Ontario for the purposes of this Act, and as provided by section 7," and the said section as so amended shall be read and construed as if it had been originally enacted as hereby amended.

9 Geo. V,
c. 54,
ss. 11 (2)
(3), 11a,
11b, re-
pealed.

4. Subsections 2 and 3 of section 11 and sections 11a and 11b of *The Ontario Housing Act, 1919*, are repealed, and the following substituted therefor:—

- (2) Except as provided by subsection 3, the cost of a house with less than six rooms and the land on which it is erected shall not exceed \$3,500, and the cost of a house with six rooms or more and the land on which it is erected shall not exceed \$4,000. ^{Limit of cost.}

- (2) With the approval of the Director,

- (a) The cost of a house of less than six rooms, constructed with walls of brick veneer and the land on which it is erected shall not exceed \$4,000, and the cost of a house of six rooms or more, constructed with walls of brick veneer and the land on which it is erected shall not exceed \$4,500; ^{When limit may be exceeded.}
- (b) The cost of a house constructed with walls of brick, hollow tile, stone or concrete, and with roofing of fireproof materials and the land on which it is erected shall not exceed \$4,500.

5. This Act shall come into force and take effect on the day upon which it receives the Royal Assent. ^{Date when Act to take effect.}

CHAPTER 84.

An Act respecting the Erection of Dwelling Houses.

Assented to April 21st, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This act may be cited as *The Municipal Housing Act*, 1920.

Application of Act. **2.** This Act shall apply to any local municipality the council of which passes a by-law declaring that it shall apply.

Interpretation. **3.** In this Act,—

"Commission." (a) "Commission" shall mean a Housing Commission appointed by a municipal corporation for the purposes of this Act;

"Company," Rev. Stat., c. 220. (b) "Company" shall mean a company incorporated under *The Housing Accommodation Act*;

"Director." (c) "Director" shall mean the Director of the Bureau of Municipal Affairs, or such other person or body as may be designated by the Lieutenant-Governor in Council;

"House." (d) "House" shall include all necessary improvements and conveniences.

Power of municipal corporations to borrow without assent of electors. **4.**—(1) A municipal corporation, for the purposes of this Act may, without obtaining the assent of the electors, pass by-laws from time to time for borrowing such money as the director may approve of, and may issue debentures for the payment of the money borrowed, bearing interest at such rate as the council may think proper.

Limit of borrowing powers not affected. (2) Any money borrowed by a municipal corporation under the provisions of this Act shall not be counted in ascertaining

ascertaining whether the limit of its borrowing powers has been reached under any general or special Act.

(3) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of the Province to guarantee the payment of the debentures and the interest thereon issued by the municipal corporation.

(4) The form of the guaranty and the manner of the execution shall be determined by the Lieutenant-Governor in Council.

(5) The council of a municipal corporation may agree with any bank or person for temporary advances for the purposes of this Act pending the issue of such debentures.

5.—(1) The council shall, by the by-law declaring that this Act shall apply or by another by-law forthwith appoint a commission to be known as the Housing Commission of the *(naming the municipality)* for the purpose of carrying out the provisions of this Act. ^{Appointment of a Housing Commission.}

(2) Such commission shall be a body corporate and shall be composed of the head of the council for the time being and two or four persons resident in the municipality who are not members of the council. ^{How composed.}

(3) The members of the commission, other than the head of the council, shall hold office for two years and until their successors are appointed, except that in making the first appointment the council shall designate one of the two members or two of the four members, as the case may be, who shall hold office for one year. ^{Term of office.}

(4) In a city having a population of not less than 100,000 the commission may be composed of five persons resident in the municipality who are not members of the council, who shall hold office for five years and until their successors are appointed except that in making the first appointment the council shall designate one who shall hold office for one year, one who shall hold office for two years, one who shall hold office for three years, one who shall hold office for four years, and one who shall hold office for five years. ^{In city over 100,000.}

(5) In the case of a vacancy in the office of a member before the expiration of his term, the council shall appoint a person to fill the vacancy for the unexpired term. ^{Vacancies.}

(6) The members of the commission may be paid such salary or other remuneration as the council may think proper and shall be eligible for re-appointment. ^{Salary or remuneration.}

Chairman,
vice-
chairman.

(7) The commission shall elect a chairman and a vice-chairman, who shall preside at all meetings of the commission in the absence of the chairman.

Corporate
seal.

(8) The commission shall have a corporate seal and all agreements of sale, conveyances and other documents shall be executed by the chairman, or vice-chairman, and by the secretary under the corporate seal, but where by oversight the seal has not been affixed, it may be affixed at any time afterwards, and, when so affixed the agreement of sale, conveyance or other document shall be as valid and effectual as if it had been originally sealed.

Municipal
officers to
perform
duties.

(9) The clerk, assessment commissioner, assessor, treasurer, architect, engineer and other officers of the municipality shall, at the request of the commission, do and perform all such duties under this Act as they would do and perform for the council in the like case if the carrying out of the provisions of this Act had been conferred on the council.

Payment
out of
money by
treasurer.

(10) The money borrowed by the corporation shall be paid out by the treasurer of the corporation on the certificate or order of the commission.

Separate
accounts.

(11) The treasurer shall keep separate accounts of all money borrowed by the corporation or loaned by the commission.

Limit of
powers of
commission.

(12) The council may, by the by-law appointing the commission, or by another by-law, with the approval of the director, limit the powers of the commission to any one or more of the purposes set out in sections 7 and 8.

6. A commission appointed under *The Ontario Housing Act, 1919*, shall be deemed a commission appointed under this Act if the council passes a by-law declaring that this Act shall apply.

Erection of
dwelling
houses for
certain
persons.

7.—(1) A commission may erect on land acquired by it, within the limits of the municipality, and any company may erect on land acquired by it in any municipality to which this Act applies, dwelling-houses of a class suitable for the accommodation of persons who have been on active service during the recent war with the naval or military forces of Great Britain or her allies, and who are residents of Ontario, and working men and working women and men and women of moderate means.

Limit of
cost.

(2) Except as provided by subsection (3), the cost of any house shall not exceed \$3,500 and the cost of the house and the land on which it is erected shall not exceed \$4,100.

(3)

(3) With the approval of the Director,

When
limit
may be
exceeded.

- (a) The cost of a house constructed with walls of brick veneer may exceed \$3,500, but shall not exceed \$4,000, and the cost of such house and the land on which it is erected may exceed \$4,100, but shall not exceed \$4,600;

- (b) The cost of a house constructed with walls of brick, hollow tile, stone or concrete and with roofing of fireproof materials may exceed \$3,500, but shall not exceed \$4,500, and the cost of such house and the land on which it is erected may exceed \$4,100, but shall not exceed \$5,100.

8.—(1) A commission may, with the approval of the director, make loans for the purposes of this Act, to ^{Loans by commission.}

- (a) A company for not more than 85 per cent. of the actual value of the land and houses as determined by the director; ^{To companies.}
- (b) A private person who desires to erect a house for his own occupation on land owned by him to the full cost of the house and the limitations contained in subsections 2 and 3 of section 7 shall not apply so far as the value of the land is concerned, but such limitations shall apply so far as the cost of the house is concerned; ^{To private persons owning land.}
- (c) A private person who desires to erect a house for his own occupation on land owned by the commission to the full cost of the house if he pays in cash the value of the land or 10 per cent. of the value of the land and of the cost of the house or gives security approved of by the commission for such payment in cash, and the limitations of subsections 2 and 3 of section 7 as to the cost of the house and the land shall in such case apply; ^{To other private persons.}
- (d) A person who has been on active service during the recent war with the naval or military forces of Great Britain or her allies, if he resides in the municipality and did so reside at the time of his enlistment, and, where he has died, his widow and his father or widowed mother, if they reside in the municipality, and who desires to erect a house for his or her own occupation on land owned ^{To soldiers who have been on active service.}

owned by the commission, to the full cost of the house, and the limitations of subsections 2 and 3 of section 7 as to the cost of the house and land shall in such case apply.

(2) The commission may, if it thinks proper, require any person to furnish any security, or make any payment or comply with any condition in addition to those set out in subsection 1.

Loans by
commission
limited
to land
in muni-
cipality.

9.—(1) No loan made by a commission shall be made upon any land or house not situate within the municipality for which the commission is appointed.

Payments
on account.

(2) Payments on account of such loans shall be made to the company or person by the commission from time to time during the progress of the work on estimates furnished to and approved by the commission.

Borrower
to become
a purchaser
under agree-
ment of
sale.

(3) A person to whom a loan is made shall become a purchaser from the commission under an agreement of sale, for the amount of the loan in the case of an owner and for the amount of the loan and value of the land in other cases, and for that purpose the owner shall convey to the commission such part of his land as may be required by the commission.

Approval of
building
scheme,
etc., by
director.

10. The building scheme of a commission or company, including the location of the land, the laying out of it and the subdivision of it into lots, the position of the houses to be erected on it and the plans and specifications of them shall be subject to the approval of the director.

Persons to
whom
houses may
be sold
and
conditions.

11.—(1) Houses erected by a commission or a company may be sold by it to any person mentioned in section 7, and the same shall be sold under an agreement, the form of which shall be approved by the director and which shall provide, among other things, for—

Monthly
payments.

(a) Payment of an amount in each month, estimated by the director as sufficient to pay the purchase money and interest thereon, at the same rate per annum as is payable by the corporation on the debentures issued by it under this Act, at the end of twenty years from the date of sale;

Interest on
arrears.

(b) Payment of interest on arrears at the same rate per annum as is payable by the corporation on the debentures issued by it under this Act;

(c)

- (c) Payment at the option of the purchaser of the whole or any part of the purchase money at any time during the term of the agreement; Payment of whole purchase money.
- (d) Power to cancel the agreement on default being made in any payment if the default continues for three months; Cancellation of agreement.
- (e) Right of the purchaser before default and with the consent of the commission or company, or of the director, to assign the agreement; Assignment of agreement.

and the agreement shall contain covenants by the purchaser to keep the house in repair and to pay taxes, local improvement rates and insurance.

(2) No charge shall be made against a purchaser for an agreement of sale or for the completion and execution of same. Director to provide forms of agreement of sale.

(3) The provisions of section 48 of *The Registry Act* as to the registration of mortgages endorsed "not to be recorded in full," shall apply, *mutatis mutandis*, to agreements for sale made under this Act. Application of Rev. Stat., c. 124, s. 48.

12. All houses sold by a commission or company shall be sold at actual cost as determined by the director. Sales to be at actual cost.

13.—(1) A house erected or purchased under the provisions of this Act shall not be rented or leased by a commission or company except with the approval of the director or by a purchaser or a person who has built it out of money borrowed from a commission, except with the approval of the commission or company as the case may be, and of the director, and any lease, agreement for lease or to rent made without such approval shall be null and void. Prohibition against renting except with leave of director.

(2) This section shall not apply where the purchase money or the loan has been paid in full.

14.—(1) For the purpose of enforcing payment of the monthly instalments due under an agreement of sale, and of entering into possession after default, a commission or company shall have all the remedies which a landlord has against a tenant under *The Landlord and Tenant Act*, and the purchaser shall be deemed a tenant to the commission or company. Enforcing payment of monthly instalment. Rev. Stat., s. 155.

Provision
for taking
forcible
possession.

(2) Where default has been made in any payment under an agreement of sale, and the default continues for three months and the purchaser refuses to give up possession to the commission or company, the director, on the application of the commission or company, may, by order, authorize and require any constable, with such assistance as he may need, to enter on and take possession of the premises for and on behalf of the commission or company.

Repayment
of loans to
companies.

15.—(1) A loan made to a company shall bear interest at the same rate per annum as is payable by the corporation on the debentures issued by it under this Act, and shall be repaid to the commission during a period not exceeding twenty years in equal monthly instalments, commencing one month after a date fixed by the director, and shall be of the same amount as is required to be paid to the company by a purchaser under an agreement for sale and interest at the same rate as is payable on the loan shall be charged and payable on all monthly instalments in arrear.

Mortgage
as security.

(2) As security for the payment of such loans and of the monthly instalments, the company shall give to the commission a first mortgage on all the land and houses owned by it with respect to which the loan is made, payable within a period not exceeding twenty years from the date of the loan and bearing interest at the same rate per annum as is payable on the loan.

Conditions
of mortgage.

(3) The terms and conditions and the form of the mortgage shall be approved by the director.

Case of
payments
in excess of
monthly
instalments.

(4) When a person pays to a company any amount in excess of the monthly instalments then payable, 85 per cent. of such excess shall be forthwith paid by the company to the commission and shall be applied on the loan made to the company.

Power to
acquire and
expropriate
land.

16.—(1) A commission or a company may, with the approval of the director, acquire by purchase or otherwise, or enter on and expropriate land for the purposes of this Act.

Board of
arbitrators
to determine
compensation.

(2) The compensation to be paid for any land expropriated shall be determined by a sole arbitrator or by a board of arbitrators, composed of three persons, appointed by the Lieutenant-Governor in Council, and a sole arbitrator shall be deemed a board for the purposes of this section.

Procedure
governing
arbitration.

(3) The board may determine the compensation to be paid for the land expropriated in a summary manner upon seven days' notice in writing, served upon the owner or other person

son interested in the land, and on the commission or company expropriating it, and after hearing what is alleged by all parties, and without hearing any other evidence unless the board decides to do so, may forthwith make their award and the award so made shall be final and shall not be subject to appeal.

(4) The compensation to be paid for the land expropriated shall be the amount which the board determines is its fair market value and nothing shall be allowed by reason of the land being available for the purposes of this Act or for any increase in value by reason of the commission or company contemplating the construction of houses on it or providing better means of access or transportation thereto or by reason of the fact that the land is being expropriated. Amount of compensation.

(5) In determining the compensation to be paid, the board shall take into consideration the relative benefit or injury occasioned by the severance of the land of any person. Case of severance of land.

(6) The board may, if it thinks proper, retain the services of a valuator for the purpose of assisting it in fixing the amount of the compensation. Valuator.

(7) Where a commission or a company desires to use, for the purposes of this Act, any land acquired by purchase or otherwise, or already owned by the municipal corporation or company, the director shall fix the value of such land. Value of land acquired by gift or already owned.

(8) Except as otherwise herein provided, the provisions of *The Municipal Act* as to expropriation and compensation shall *mutatis mutandis* apply. Rev. Stat., c. 192.

17. No loan shall be made to any person, nor shall any house be sold or rented to any person, nor shall any agreement for sale be assigned to any person, under the provisions of this Act, who is not a British subject. Sales and loans only to British subjects.

18.—(1) The Lieutenant-Governor in Council may, from time to time, upon the recommendation of the director, appoint one or more experts or persons having technical or special knowledge to assist the director, and such officers, clerks and servants as the director may require for carrying out the provisions of this Act. Appointment of officers, etc.

(2) The salaries, remuneration and travelling expenses of all such experts or persons having technical or special knowledge and of all officers, clerks and servants, and such other persons as may be deemed necessary for the purposes of this

Act, and all expenses incurred in carrying out the provisions of this Act shall be paid out of any money appropriated by the Legislature for that purpose.

Rules and
regulations.

19.—(1) The director may, with the approval of the Lieutenant-Governor in Council, make rules and regulations for the purpose of carrying out the provisions of this Act.

Publication.

(2) The rules and regulations shall be published in the *Ontario Gazette*.

Form of
by-law.

20. The by-law making this Act apply and appointing a commission may be according to Form "A" to this Act.

When Act
takes
effect.

21. This Act shall come into force forthwith on the passing of it.

SCHEDULE "A."

BY-LAW TO BE PASSED BY A MUNICIPAL COUNCIL, TO BRING MUNICIPALITY UNDER "THE MUNICIPAL HOUSING ACT, 1920," AND TO APPOINT A HOUSING COMMISSION.

By-law No.

The Municipal Council of the _____ hereby enacts as follows:

1. The provisions of *The Municipal Housing Act, 1920*, shall apply to this municipality.

2. The head of the council of this municipality for the time being, and _____ and _____ are hereby appointed a commission, to be known as "The Housing Commission of the Municipality of the _____," for the purpose of carrying out the provisions of the said Act, and such commission shall be a body corporate.

3. The said _____ shall hold office for one year and the said _____ shall hold office for two years, and thereafter the members of the commission, other than the head of the council, shall hold office for two years.

4. Each appointed member of said commission shall hold office until his successor is appointed.

(If the members of the commission are to be paid a salary, or other remuneration, add a clause providing for same.)

Passed this _____ day of _____ 192 .

Mayor (or Reeve).

Clerk.

[Seal of Corporation.]

NOTE.—When passed a certified copy of this by-law should be forwarded to the director.

CHAPTER 85.

An Act to regulate the Purchase of Milk
and Cream.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Cream and Milk Purchase Act, 1920.* Short title.

2. In this Act,—

Interpreta-
tion.

(a) “Cream” includes whey cream; “Cream.”

(b) “Factory” shall mean and include a cheese fac-
tory, creamery, condensed milk factory, milk
powder factory, milk or cream buying or re-
ceiving station or other premises where milk
or cream is collected for sale or shipment or
manufacture, or collected or tested at the point
of collection; “Factory.”

(c) “Test” shall mean Babcock Test, and “tested”
and “testing” shall have a corresponding
meaning. “Test.”

(d) “Producer” shall mean one who supplies or sells
milk or cream to a factory. “Producer.”

3. All cream purchased for sale, shipment or manufac-
ture shall be purchased on the basis of its butter fat content
as determined by the Babcock test. Cream to be
purchased on
fat content
as deter-
mined by
test.

4. All milk paid for on a butter fat basis shall be tested
by the Babcock method. Milk pur-
chased to
be tested.

5. In determining the fat content of cream supplied to a
factory, the sample of cream taken for testing shall be
weighed into a test bottle officially stamped and shall weigh
9 or 18 grams. Samples.

Inspectors—
powers and
duties of.

6.—(1) The Minister may appoint inspectors to carry out the provisions of this Act and any inspector so appointed shall at all reasonable hours have free access and admission to all factories or other premises where milk or cream is collected for sale or shipment or manufacture or to milk and cream in transit on waggons, trains or other conveyances at collecting stations, railroad stations, express offices, in storage or wherever found, whether in possession of producer, seller, purchaser, carrying agent or storage company, and such inspector may take samples of such milk and cream in sufficient quantities to make the proper test.

Duties and
powers of
inspector.

(2) It shall be the duty of the inspector and he shall have authority,—

- (a) To weigh, test and take such quantities as may reasonably be required as samples of any lot of milk or cream or milk products for the purpose of testing the same;
- (b) To examine and test samples of milk or cream kept for re-test at a factory;
- (c) To examine the records of receipts of milk and cream of all Babcock tests made at a factory, and of the disposition thereof, and of the weight of all butter and other dairy products manufactured daily.

Containers
to be re-
sealed by
inspector.

7. Every such inspector shall re-seal any container which has been unsealed by him for the purposes of section 6.

Obstructing
inspector.

8. Every owner, operator, manager or employee of a factory or any purchaser, seller or collector of milk or cream or other factory products, or any carrying agent or storage company who refuses admission to or offers any objection to, or neglects to render such assistance as may be required by an inspector, shall incur a penalty of not less than \$25 nor more than \$100.

Offences and
penalties.

9. Any person who violates any of the provisions of this Act or any regulation made under this Act, or who falsifies any records, or over-reads or under-reads the Babcock test or who in any way makes incorrect determinations of fat shall incur a penalty of not less than \$25 nor more than \$100.

Regulations.

10.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister of Agriculture, may make such

such regulations as may be deemed necessary for the purpose of carrying into effect the provisions of this Act and may impose penalties for the violation of any such regulation.

(2) The regulations shall have the same force and effect as ^{Effect of.} if enacted herein.

11. The penalties imposed by or under the authority ^{Application} of this Act shall be recoverable under *The Ontario Summary* ^{of Rev. Stat.,} *Convictions Act.* ^{c. 90.}

12. *The Cream Purchases Act, 1919*, is repealed.

9 Geo. V,
c. 63,
repealed.

CHAPTER 86.

An Act to amend The Factory, Shop and Office Building Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Factory, Shop and Office Building Act, 1920.*

Rev. Stat.,
c. 229, s. 58.

2.—(1) Section 58 of *The Factory, Shop and Office Building Act* is amended by adding thereto the following subsections:—

Certain
kinds of
hoists not
to be used.

(3a) Unless equipped with a brake or other device for stopping the belt and with an automatic device for stopping it at the top, an elevator or hoist constructed upon the principle of an endless belt or any similar contrivance shall not be used in any factory for carrying passengers, or goods, or freight, and every owner or employer who uses or permits to be used, any such contrivance not so equipped shall incur a penalty not exceeding \$500 nor less than \$50, and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months and not less than three months, but this shall not apply to an escalator or other like contrivance which is not perpendicular, when such contrivance is supplied with hand-rails at the sides and is not otherwise enclosed and the chief inspector has certified that it is so constructed that it may be operated without danger to persons using the same;

(3b) The rate of speed of an endless belt or any similar contrivance shall not exceed the rate of 75 ft. per minute.

(2)

(2) This section shall come into force on the 1st day of January, 1921. Commence-
ment of
section.

3. Subsection 3 of section 84 of *The Factory, Shop and Office Building Act* is amended by adding at the end thereof the following words: "All by-laws heretofore passed under the authority of this subsection shall on and after the 30th day of April, 1920, cease to be effective in so far as they apply to the sale of fresh fruit, and all by-laws hereafter passed under the provisions of this subsection shall not apply to the sale of fresh fruit." Rev. Stat.,
c. 229, s. 84,
subs. 3,
amended.
Early clos-
ing by-laws.

CHAPTER 87.

An Act to provide for a Minimum Wage Board
with Power to regulate in Certain Cases the
Minimum Wages of Women and Girls.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

- Short title. **1.** This Act may be cited as *The Minimum Wage Act*.
- Interpreta- **2.** In this Act,
tion.
- "Appren- (a) "Apprentice" shall mean person who whether
tice." under articles of apprenticeship or not is receiv-
 ing instruction in any trade, occupation or call-
 ing, while employed therein;
- "Board." (b) "Board" shall mean the Minimum Wage Board
 hereby created;
- "Confer- (c) "Conference" shall mean wage conference ap-
ence." pointed by the board and composed of an equal
 number of employers and employees and an
 impartial chairman;
- "Employee." (d) "Employee" shall mean and include every female
 person in any trade or occupation in Ontario
 who works for wages;
- "Employer." (e) "Employer" shall mean and include every per-
 son, firm, or corporation, agent, manager, repre-
 sentative, contractor, sub-contractor or person
 responsible directly or indirectly for the payment
 of wages to an employee;
- "Minister." (f) "Minister" shall mean the member of the
 Executive Council to whom the administration
 of this Act for the time being is assigned;

(g)

- (g) "Wages" shall mean and include wages and salary "Wages." whether the employment in respect to which the same is payable is by time or by the job, or by the piece or otherwise;

3. For the purposes of this Act there shall be established ^{Board estab-}
a board composed of five persons, two of whom shall be ^{lished.}
women, appointed by the Lieutenant-Governor in Council,
and the board shall be a body corporate under the name of
"The Minimum Wage Board."

4. The Lieutenant-Governor in Council shall name one Chairman.
member of the board as chairman and the chairman of the
board shall hold office during pleasure.

5. Of the remaining members of the board, two shall be ^{Term of}
appointed in the first instance for one year, and two for two ^{office of}
years, and every member subsequently appointed shall be ^{other}
appointed for a term of five years. ^{members.}

6. In case of the absence of the chairman of the board ^{Chairman}
or in case of his inability to act or if there is a vacancy in ^{pro tem.}
the office the Minister may appoint some person of like
qualifications to act as chairman *pro tempore*.

7.—(1) In case of a vacancy on the board caused by the ^{Vacancies.}
death, resignation or incapacity of a member of the board a
successor to such member shall be appointed to hold office
for the remainder of the unexpired term.

(2) If a member of the board fails to attend two successive ^{Vacating}
meetings of the board without due cause he shall be notified ^{ipso facto.}
of such absence and if he fails to attend the third meeting
his position on the board may be declared vacant and his
successor duly appointed.

8. The members of the board shall serve without remun- ^{Allowances}
eration but the Lieutenant-Governor in Council may fix a ^{and}
per diem allowance to be payable to the members on their ^{expenses.}
attendance at the meetings of the board and in transacting
the business of the board, and every member of the board
shall be entitled to his reasonable and necessary travelling
and living expenses as certified by the chairman of the board.

9. The presence of three members of the board shall con- ^{Quorum.}
stitute a quorum.

10. The expenses of the board in carrying out the pro- ^{Payment}
visions of the Act, including witness fees, travelling expenses ^{of expenses.}
and other charges incurred in any proceedings of the board

or of wage conferences shall be payable out of such moneys as may be appropriated by the Legislature from time to time for that purpose.

Investigations by Board.

11. The board shall have authority to conduct such investigations as it may deem necessary for the purpose of ascertaining the conditions prevailing in any class of employment and the scale of wages payable therefor, and for this purpose shall possess all powers that may be conferred upon a commissioner under *The Public Enquiries Act*.

Establishment of minimum wage board.

12. After due enquiry the board may establish a minimum wage for employees in any trade, occupation or calling in Ontario, but a wage lower than the minimum wage may also be established by the board for employees classified as handicapped, or part-time employees or as apprentices.

Conferences of employers and employees.

13.—(1) Where it is made to appear to the board that the scale of wages or the method of determining the same, payable to any class of employees, is inadequate or unfair the board may direct a conference between representatives of employers and employees in the class of employment in question for the purpose of reaching an agreement and recommending to the board minimum wages to be payable in that class of employment.

Appointment of representatives.

(2) The board may provide for the selection of such representatives by the employers and employees respectively, but every conference shall consist of an equal number of representatives of employers and employees respectively.

Chairman of conference.

14.—(1) The board shall appoint a disinterested person to be chairman of the conference.

Functions of chairman.

(2) The chairman shall not vote in the conference but may advise and direct the representatives of the conference as to their procedure and shall to the best of his ability assist the conference in arriving at a just conclusion.

Procedure—quorum.

15. The conference shall, forthwith, proceed to the investigation and discussion of the matters at issue and for this purpose the majority of the members, exclusive of the chairman, shall constitute a quorum.

Report of conference.

16. The conference shall report its conclusions to the board in writing, signed by the chairman, but a minority of the members of the conference may make a separate report

to the board. Failure of the conference to come to an agreement touching the matters in dispute shall be reported by the chairman of the conference to the board.

17. Upon the receipt of the report of the chairman of the conference the board with or without further enquiry ^{Order of board for report of conference.} or investigation, may, by order in writing signed by the chairman of the board:—

- (a) Remit the matter of difference to the same or a new conference for consideration;
- (b) Or forthwith establish a minimum wage in the class of employment in question.

18. The Lieutenant-Governor in Council may make regulations:— ^{Regulations.}

- (a) Providing for the procedure of the board and the forms of orders and other documents to be issued by it;
- (b) Defining and directing the extent to which the board shall be guided in its investigation by the information officially procured and available in the Department of Labour;
- (c) For the making of reports to the Assembly on any matters investigated or determined by the board and the particulars to be included in such reports;
- (d) Requiring employers or any class of employers to furnish information as to the names, ages and places of residence of all employees and such other information respecting the hours of labour and conditions of employment of such employees as may be deemed necessary for the proper carrying out of the objects of the Act;
- (e) Defining and limiting the number of handicapped employees, part time employees and apprentices to whom a wage lower than the minimum wage fixed by the minimum wage board may be payable by any employer;
- (f) Fixing the amount to be allowed for witness fees and for other charges in connection with the proceedings of the board or of wage conferences.

Promulga-
tion of
orders of
board.

19. Every order of the board shall be published in the *Ontario Gazette*, and following the conference notice thereof shall be given to the representatives of the employers and of the employees.

Order
binding on
publication.

20. Upon publication of the order as provided in section 18 the same shall be binding as to the minimum wages to be paid in the class of employment dealt with under the order.

Notice of
order.

21. The board may direct that notice of such order be posted in such positions as to be easily read by the employees in each factory, shop and office building or other establishment concerned. The notice shall be affixed and kept posted up and otherwise dealt with as provided by section 23 of *The Factory, Shop and Office Building Act*, as amended by section 7 of *The Factory, Shop and Office Building Act, 1918*.

Penalties.

22.—(1) Every employer who contravenes an order of the board by the payment of wages of less amount than that fixed by the board shall be guilty of an offence and shall incur a penalty not exceeding \$500 and not less than \$50 for each employee affected, and in addition thereto shall upon conviction be ordered to pay to such employees the difference between the wages actually received and the minimum wage fixed by the board.

Imprison-
ment in
default of
payment.

(2) In default of immediate payment of such penalty and any such sum adjudged to be due to an employee such employer shall be imprisoned for a period not exceeding six months and not less than two months.

Application
of Rev. Stat.,
c. 90.

23. *The Ontario Summary Convictions Act* shall apply to prosecutions under this Act.

Exceptions.

24. This Act shall not apply to farm labourers or domestic servants.

Commence-
ment of
Act.

25. This Act shall come into force and take effect on the 1st day of October, 1920.

CHAPTER 88.

An Act respecting the Hours of Labour of Employees of Permanent Fire Departments.

Assented to June 4th, 1920.

HIS MAJESTY; by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fire Departments Hours of Labour Act*. Short title.
2. Where in any city, town or village there is a permanent fire department, the officers and employees of which are regularly employed and paid by the municipal corporation, every officer and employee of such department shall be off duty for one full day of twenty-four hours in every calendar week, but where what is known as "double platoon system" is in operation in any such fire department the twenty-four hours' release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. Employees of fire departments to be off duty one day in seven.
3. The provisions of this Act shall have effect notwithstanding any regulation or by-law of a municipal corporation relating to a fire department. Act to prevail over municipal regulations.
4. Every fire chief, superintendent, director or officer of every such fire department who requires or requests an employee of the department to be on duty in violation of the provisions of section 2 shall incur a penalty of not less than \$10 nor more than \$100. Penalties.
5. The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act*. Application of Rev. Stat. c. 90.
6. This Act shall come into force and take effect on and after the 1st day of January, 1921. Commencement of Act.

CHAPTER 89.

An Act to provide for payment of allowances in certain cases to the Mothers of Dependent Children.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Mothers' Allowances Act*.

Interpre- **2.** In this Act,

"Commis- (a) "Commission" shall mean Mothers' Allowances
sion." Commission appointed under this Act;

"Local (b) "Local Board" shall mean board appointed for a
Board." county, city or separated town or for a pro-
visional judicial district under the authority of
this Act;

"Minister." (c) "Minister" shall mean that member of the
Executive Council to whom for the time being
the administration of this Act is assigned;

"Regula- (d) "Regulations" shall mean Regulations made by
tions." the Lieutenant-Governor in Council under the
authority of this Act.

Conditions **3.** Subject to the provisions of this Act and the regula-
under which tions a monthly allowance may be paid towards the support
allowances of the dependent children of a mother who,

(a) Is a widow or the wife of an inmate of a hospital
for the insane in Ontario or of a man who is
permanently disabled and incapable of con-
tributing to the support of his family;

(b)

- (b) Was resident in Canada at the time of the death or total disability of the father of the children on whose behalf the allowance is to be made, and for a period of three years immediately prior to the application for an allowance;
- (c) Is resident in Ontario at the time of the application for an allowance and for a period of two years immediately prior thereto;
- (d) Continues to reside in Ontario with her dependent children while in receipt of an allowance;
- (e) Was a British subject by birth or naturalization or is the widow or wife of a British subject;
- (f) Is a fit and proper person to have the care and custody of her children;
- (g) Has resident with her two or more of her own children under fourteen years of age and has not adequate means to care properly for them without the assistance of an allowance under this Act.

4.—(1) For the purpose of this Act there shall be established a Commission composed of five persons, two of whom shall be women, appointed by the Lieutenant-Governor in Council, and the Commission shall be a body corporate under the name of "The Mothers' Allowances Commission."

(2) The Lieutenant-Governor in Council shall annually appoint one of the members of the Commission to be chairman and another to be vice-chairman of the Commission.

(3) In case of the absence of the chairman or of a vacancy in the office, the vice-chairman shall have and perform all the powers and duties of the chairman under this Act and the Regulations.

(4) The members of the Commission shall be appointed in the first instance for one, two, three, four and five years respectively and every member subsequently appointed shall be appointed for a term of five years.

(5) In case of a vacancy caused by the death, resignation or incapacity of a member of the Commission a successor to such member shall be appointed to hold office for the remainder of the unexpired term.

Re-appoint-
ment.

(6) Members of the Commission shall be eligible for re-appointment.

Allowances
and ex-
penses.

(7) The members of the Commission shall serve without remuneration except that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of the Commission and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at such meetings and in the transaction of the business of the Commission.

Quorum.

(8) Three members of the Commission shall constitute a quorum.

Staff and
Salaries.

5.—(1) The Lieutenant-Governor in Council may on the recommendation of the Commission appoint an executive secretary, and such other officers, clerks and servants of the Commission as may be deemed expedient and may fix the salaries of the members of the staff of the Commission.

Rev. Stat.,
c. 14 and 8
Geo. V, c. 5,
to apply.

(2) *The Ontario Public Service Act* and *The Ontario Public Service Act, 1918*, shall apply to the Commission as a branch or department of the public service.

Duties of
Commission.

6. It shall be the duty of the Commission,

- (a) To inquire as to the persons qualified as provided by section 3 to receive allowances under this Act, in any county or district or city or separated town in Ontario;
- (b) To obtain such information as to such person as the Regulations may require;
- (c) To receive through local boards or otherwise applications by or on behalf of persons so qualified for the payment of allowances under this Act and to consider the same;
- (d) To fix the maximum and minimum allowances which may be granted under this Act;
- (e) To make orders granting allowances to mothers by whom or on whose behalf application is made to the Commission and who appear to the Commission to be qualified to receive such allowances;

(f)

- (f) To keep such records and statistics as the Regulations may require or as may appear to be necessary for the proper discharge of the duties of the Commission;
- (g) To report in writing to the Lieutenant-Governor in Council at the close of each fiscal year, with such particulars and information as the Regulations may require.

7. Allowances granted under this Act and the expenses of administration of this Act shall be payable out of such moneys as may be voted by the Assembly and appropriated by the Legislature for those purposes, by the Treasurer of Ontario upon the direction in writing of the Chairman of the Commission countersigned by the member of the Executive Council to whom the administration of this Act is assigned, and every such direction shall be final and conclusive and shall not be subject to further examination or audit, and the Treasurer upon receiving the direction shall issue the cheque and the Provincial Auditor shall countersign the same. Manner of payment.

8.—(1) Every direction for payment of an allowance under this Act shall name the county, city or separated town or provisional judicial district of which the person to whom the allowance is payable shall be deemed a resident for the purposes of this Act. Contributions by county, city or town.
Residence of beneficiaries.

(2) Notice in writing, signed by the chairman, that such allowance has been granted with the name and place of residence of the person to whom the same is payable and stating that the municipal corporation of the county, city or town will be required to contribute to such allowance as hereinafter provided shall be sent by registered post to the clerk of the corporation of the county, city or town of which such person is resident. Notice to municipality.

(3) If the corporation desires to object to making such contribution, the Commission shall hear the objections and consider the same, and may confirm the direction, or if it is deemed unfair or unjust that the corporation should be chargeable may amend the direction and name some other county, city or town as liable for the contribution, but no municipal corporation shall be chargeable under this section unless the person to whom the allowance is payable has resided in the municipality continuously for at least one year immediately prior to the application to the local board for the allowance under this Act. Objections to contribution.

Removal
to another
municipality.

(4) Where the person to whom the allowance is payable removes to another municipality, that municipality shall not be made liable for the contribution until such person has resided in such other municipality continuously for at least one year.

Amount
of con-
tribution.

(5) Every municipal corporation named by the Commission as a contributor under this section shall at such intervals and upon such dates as may be fixed by the Regulations, pay to the Treasurer of Ontario an amount equal to one-half of the allowance, and every such amount shall be a debt due to the Crown from the corporation and recoverable with costs by action at the suit of the Treasurer of Ontario.

Provisional
judicial
districts.

(6) Where the person to whom an allowance is payable under this Act is found by the Commission to be a resident of some place in a provisional judicial district, other than a city, contributions shall not be required under this section, but the whole amount of such allowance shall be borne by the Province.

Decisions
of Commis-
sion,—
finality of.

9. The decision of the Commission as to any matter arising under this Act shall be final and conclusive and shall not be subject to appeal or review by any court of law or otherwise, but the Commission may reconsider any decision and may rescind, alter or amend any order, direction or decision previously made under the authority of this Act.

Regulations.

10. On approval of the Lieutenant-Governor in Council the Commission may make Regulations,

- (a) Governing the procedure of the Commission and prescribing the time and place of meetings of the Commission;
- (b) Prescribing the duties of the executive secretary and other members of the staff of the Commission;
- (c) Providing for the appointment of a local board for a county, city or separated town or district, or for any defined territory in Ontario;
- (d) For the conducting of inquiries and investigations by local boards as to persons to whom allowances may be paid or who are in receipt of allowances

under

under this Act or by whom or on whose behalf application has been made for payment of allowance;

- (e) Prescribing the form of reports of local boards and the particulars to be stated therein;
- (f) Providing for the appointment of visitors or other local officers of the Commission and prescribing their duties;
- (g) Respecting the proofs to be furnished before payment of any allowance or continued payment thereof;
- (h) Fixing the intervals at, and the manner in which allowances shall be paid under this Act;
- (i) Prescribing forms to be used by the Commission, local boards, visitors and other officers and by persons applying for allowances under this Act;
- (j) Respecting the property qualifications and other sources of income of beneficiaries under this Act;
- (k) Generally for the better carrying out of the provisions of this Act.

11. This Act shall come into force and take effect on the ^{Commence-}1st day of October, 1920. _{ment of Act.}

CHAPTER 90.

An Act to amend The Fire Marshals Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Fire Marshals Amendment Act, 1920.*

4 Geo. V.
c. 41,
amended.

2. *The Fire Marshals Act* is amended by substituting for the words "Attorney-General" wherever the same occur in the said Act, or in any of the amendments thereto, the word "Minister," and "Minister" shall mean that member of the Executive Council to whom for the time being the administration of the said Act is assigned.

Adminis-
tration of
Act.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 91.

An Act to amend The Beach Protection Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Beach Protection Amendment Act, 1920.*" Short title.

2. Subsections 1 and 2 of section 4 of *The Beach Protection Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 244, s. 4,
subs. 1, 2,
repealed.

4. No person shall within the territorial limits of the Province of Ontario take or carry away in any vessel or otherwise transport by water any sand, gravel or stone from the bed, beach, shore, or waters of Lake Erie, Lake Ontario or Lake Huron or from land covered by or bordering upon the waters of such lakes or from any bar or flat within such limits in any of the said lakes or adjoining any channel or entrance to any of the said lakes, whether such bed, beach, shore, land, bar or flat be owned by such person or otherwise owned, without a license first had and obtained from the Lieutenant-Governor in Council, unless such sand, gravel or stone is taken from a locality distant inland from high water mark of any of the said lakes. Prohibition
against
taking sand,
gravel or
stone from
certain
waters.

3. Section 5 of the said Act is repealed and the following substituted therefor:— Rev. Stat.,
c. 244, s. 5,
repealed.

5. No person without the license required by this Act shall go upon any bed, beach, shore, water, bar or flat mentioned in the preceding section for the purpose of removing or assisting to remove any gravel, sand or stone therefrom. Prohibition
against
trespassing
in search of
sand, gravel
or stone.

Rev. Stat.,
c. 244, s. 6,
repealed.

4. Section 6 of the said Act is repealed and the following substituted therefor:—

Having
sand, etc.,
unlawfully
in posses-
sion.

6. No person shall have on board his vessel or on a vessel in his possession or control any sand, gravel or stone, taken without the license required by this Act from any such bed, beach, shore, water, bar or flat with intent to carry the same away.

Rev. Stat.,
c. 244, s. 10,
subs. 1,
amended.

Penalty.

5. Subsection 1 of section 10 of the said Act is amended by striking out from the last line the figure “\$40” and substituting therefor the figure “\$1,000” and adding thereto the following, “but there shall be no prosecution under this Act without the authority of the Attorney-General of Ontario in writing signed by him.”

Rev. Stat.,
c. 244, s. 10,
subs. 2,
repealed.

6. Subsection 2 of section 10 of the said Act is repealed.

Rev. Stat.,
c. 244, s. 16,
repealed.

7. Section 16 of the said Act is repealed and the following substituted therefor:—

Regulations
as to
licenses.

16. The Lieutenant-Governor in Council may make such regulations as to the terms and conditions upon which licenses may be granted under this Act and as to the fees payable therefor as he may deem expedient for the more effectual carrying out of the provisions of this Act.

Saving as to
pending
litigation.

8. Nothing in this Act shall apply to or affect any action or litigation now pending, but the same may be proceeded with and finally adjudicated upon in all respects as if this Act had not been passed.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 92.

An Act to amend The Dog Tax and Sheep
Protection Act.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Dog Tax and Sheep Protection Amendment Act, 1920.* short title.

2. *The Dog Tax and Sheep Protection Act* is amended s. Geo. V. c. 46, amended. by adding thereto the following as section 9a:—

9a.—(1) In a town, township, or village every owner Tags. of a dog shall procure from the corporation a tag for each dog owned by him and shall keep such tag securely fixed on the dog at all times.

(2) It shall be the duty of the corporation through an officer designated by the council to supply tags to the owners of dogs and a fee not exceeding twenty-five cents may be charged for each tag.

(3) Tags each bearing a serial number shall be issued annually, and the clerk of the municipality shall keep a record showing the serial number of the tag and the name of the owner to whom it has been issued.

(4) Every dog which does not wear a tag, and which is found off the premises of the owner and not under the control of any person may be killed by any person.

(5) Every owner of a dog who neglects to comply with the provisions of this section shall incur a penalty of not less than \$10 and not more than \$25 for

each

each such offence and every penalty when collected shall be paid over to the treasurer of the municipality in which the prosecution is undertaken.

- (6) The provisions of this section, except subsections 1 and 4, shall not apply in a town or village so long as there is in force a by-law passed under the provisions of paragraph 9a of section 400 of *The Municipal Act*, requiring that dogs shall wear tags.

- (7) This section shall come into effect on April 1st, 1921.

8 Geo. V.
c. 46,
amended.

3. *The Dog Tax and Sheep Protection Act* is amended by adding thereto the following as section 14a:—

By-laws of
counties
requiring
payment
over of dog
taxes and
license fees.

14a.—(1) By-laws may be passed by the councils of counties requiring that all dog taxes collected under this Act and all license fees collected under the provisions of paragraph 9a of section 400 of *The Municipal Act* by local municipalities forming part of the county for municipal purposes shall be paid by the treasurer of such local municipality to the treasurer of the county not later than the first day of March in each year following the year in which such dog taxes and license fees are collected, and shall be by the said treasurer of the county placed to the credit of a fund to be known as “The Dog Tax and Sheep Protection Fund,” and from and after the passing of such by-law all claims for compensation for killing, injuring, terrifying or worrying of sheep by a dog or dogs shall be paid by the county in which the said sheep were so killed, injured, terrified or worried instead of by the local municipality.

- (2) No such by-law shall apply to dog taxes or license fees collected in the year 1920.

Appointment
of sheep
valuers, etc.

- (3) The council of every county which passes a by-law under this section shall appoint one or more competent persons to be known as “sheep valuers” for each local municipality forming part of the county, and the provisions of subsections 1, 2, 3 and 4 of section 14 shall apply *mutatis mutandis*.

CHAPTER 93.

An Act to amend The Natural Gas Act, 1919.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Natural Gas Act, 1919*, is amended ^{9 Geo. V. c. 13, s. 5.} by adding thereto the following subsection:

- (3) In any matter arising under this Act, the Commissioner may administer an oath and may take an affidavit, statutory declaration or evidence under oath in any part of Ontario. ^{Commissioner may administer oaths, etc.}

CHAPTER 94.

An Act to amend The Noxious Weeds Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 253,
amended.

1. *The Noxious Weeds Act* is amended by inserting after section 7 the following as section 7a:

Notice to
owner
in city.

7a. Notwithstanding the provisions of section 7 as to notice to the owner or occupant of any land within the municipality, where such noxious weeds or diseased crops are growing in the case of vacant land in a city, town, incorporated or police village, such notice may be given by advertisement in a daily or weekly newspaper, published in the municipality or adjoining municipality, notifying all owners of such lands to have such noxious weeds cut down or diseased crops destroyed within ten days, and in default thereof, the municipality may proceed to remove or destroy the same and the expense thereof may be recovered under the provisions of this Act.

CHAPTER 95.

An Act for the better prevention of Diseases
among Bees.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Bee Diseases Act, 1920*. Short title.

2. Subsection 1 of section 3 of *The Foul Brood Act* is amended by striking out all the words after the word "if" in the fourth line thereof and substituting therefor the words "any infectious or contagious disease of bees exists in such apiary." Rev. Stat., c. 258, s. 3, subs. 1, amended.

3. Subsection 3 of the said section 3 is repealed and the following substituted therefor:— Rev. Stat., c. 258, s. 3, subs. 3, repealed.

(3) Where the inspector, who shall be the sole judge thereof, finds that an infectious or contagious disease, not being foul brood of a virulent or malignant type, exists among the bees he shall give notice in writing to the bee-keeper instructing him as to the treatment of such disease and stating the time within which such treatment shall be given, and if at the expiration of such time the diseased colonies have not been treated by the bee-keeper in accordance with the notice, the same may be treated by the inspector and the bee-keeper shall be liable to the inspector for all expenses incurred in such treatment. Treatment of infectious or contagious diseases among bees.

4. Section 5 of *The Foul Brood Act* is repealed and the following substituted therefor:— Rev. Stat., c. 258, s. 5, repealed

5.—(1) Where an infectious or contagious disease exists in an apiary the owner or possessor thereof shall Sale of infected bees or articles prohibited.

shall not sell, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a certificate from the provincial apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease.

Importation.

- (2) Bees or used apiary appliances or apparatus shall not be imported into Ontario from any other Province in Canada or from any State in the United States of America unless accompanied by a certificate from a provincial or state officer certifying that such bees, used apiary appliances or apparatus are free from any infectious or contagious disease, but this shall not apply to the importation into Ontario of bees apart from combs.

Penalties.

- (3) Every person who contravenes the provisions of subsection 1 or of subsection 2 of this section shall be guilty of an offence and shall incur a penalty of not less than \$50 nor more than \$100.

CHAPTER 96.

An Act to amend The Cemetery Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Cemetery Amendment Act, 1920.* Short title.

2. *The Cemetery Act* is amended by adding thereto the following sections:— Rev. Stat., c. 261, amended.

40a. Where trustees have been appointed to take a conveyance of land for cemetery purposes in any township or village, and have acquired land in the township or village for cemetery purposes, and there is in the township or village other land which has been used as a cemetery and no provision has been made for the appointment of trustees for such last-mentioned land, and there is no person upon whom the duty of maintaining and caring for the land rests, and the owner of such land is absent or unknown, the Ontario Railway and Municipal Board, upon the application of the trustees and after the giving of such public notice as the Board may deem sufficient, may make an order vesting such last-mentioned land in the trustees, and upon the registering of such order in the proper registry office, the land shall be vested in the trustees, and they shall have and perform the same powers and duties with respect thereto as with respect to other lands conveyed to them for cemetery purposes. Cemetery trustees may be empowered to take over other cemeteries.

Closing
road
allowance.

- 40*b*. Where a road allowance which has not been opened for travel passes through lands used for cemetery purposes or separates or lies between lands used for cemetery purposes, and other lands vested in the trustees under section 40*a* or conveyed to them, the Ontario Railway and Municipal Board, upon the application of the trustees, and after notice to the council of the municipality and upon being satisfied that it is in the public interest that such road allowance should be closed and that the portion thereof which passes through or adjacent to the cemetery lands should be vested in the trustees, may make an order closing such road allowance and vesting so much thereof as passes through or adjoins the cemetery lands in the trustees, and upon the registration of such order in the proper registry office the lands described in the order shall be vested in the trustees for cemetery purposes.

CHAPTER 97.

An Act to amend The Ontario Game and Fisheries Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Game and Fisheries Act, 1920.* Short title.

2. The clause lettered *e* in section 3 of *The Ontario Game and Fisheries Act* is amended by inserting the words "fur-bearing animals and all" after the word "all" in the first line. Rev. Stat., c. 262, s. 3, amended. "Game" meaning of.

3. The clause lettered *i* in section 3 of *The Ontario Game and Fisheries Act*, as amended by section 2 of *The Ontario Game and Fisheries Act, 1916*, is amended by striking out the word "six" in the second line and substituting therefor the word "twelve." Rev. Stat., c. 262, s. 3, amended. "Non-resident" meaning of.

4. Subsection 2 of section 9 of *The Ontario Game and Fisheries Act* as amended by section 5 of *The Ontario Game and Fisheries Act, 1916*, and further amended by section 36 of *The Statute Law Amendment Act, 1917*, and further amended by section 3 of *The Ontario Game and Fisheries Act, 1919*, is repealed and the following substituted therefor:— Rev. Stat., c. 262, s. 9, repealed. Hunting and trapping license.

2. No person shall hunt, take, trap, shoot, kill or molest or attempt to hunt, take, trap, shoot, kill or molest any fur-bearing animal except under the authority of a license or permit but this shall not apply to a farmer or his sons trapping upon the lands of such farmer animals other than beaver and otter during the various open seasons.

Rev. Stat.,
c. 262, s. 10,
repealed.
Open season
for deer.

5.—(1) The clause lettered *a* in subsection 1 of section 10 of *The Ontario Game and Fisheries Act* as amended by section 4 of *The Ontario Game and Fisheries Act, 1919*, is repealed.

Rev. Stat.,
c. 262, s. 10,
repealed.
Open season
for deer,
moose, etc.

(2) The clause lettered *b* in the said subsection as amended by section 4 of *The Ontario Game and Fisheries Act, 1919*, is repealed and the following substituted therefor:—

(b) Any moose, deer, reindeer or caribou in that part of Ontario lying south of the French and Mattawa Rivers except from the 5th day of November to the 20th day of November, both days inclusive.

Rev. Stat.,
c. 262, s. 10,
repealed.
Open season
for deer,
moose, etc.

(3) The clause lettered *c* in the said subsection as amended by section 6 of *The Ontario Game and Fisheries Act, 1916*, and further amended by section 2 of *The Ontario Game and Fisheries Act, 1918*, is repealed and the following substituted therefor:—

(c) Any moose, deer, reindeer or caribou throughout that part of Ontario lying north and west of the French and Mattawa Rivers except from the 25th day of October to the 30th day of November, both days inclusive.

Rev. Stat.,
c. 262, s. 10,
repealed.
Grouse,
pheasants,
etc.

(4) The clause lettered *d* in the said subsection as amended by section 6 of *The Ontario Game and Fisheries Act, 1916*, and further amended by section 2 of *The Ontario Game and Fisheries Act, 1918*, is repealed and the following substituted therefor:—

(d) Any partridge before the 5th day of November, 1920, and thereafter except from the 5th day of November to the 20th day of November in each year, both days inclusive, and no person shall take, kill or have in possession any more than five partridge in any one day and no more than ten partridge in any one year; no grouse, pheasant or prairie fowl before the 5th day of November, 1923, and thereafter except from the 5th day of November to the 20th day of November in each year, both days inclusive.

Rev. Stat.,
c. 262, s. 10,
repealed.
Quail, wild
turkeys,
black and
grey
squirrels.

(5) The clause lettered *f* in the said subsection as amended by section 6 of *The Ontario Game and Fisheries Act, 1916*, is repealed and the following substituted therefor:—

(f)

- (f) No quail or wild turkey, black or grey squirrel before the 1st day of November, 1923, and thereafter except from the 1st day of November to the 15th day of November in each year, both days inclusive, and no person shall take, kill or have in possession more than six quail in one day or twenty-five for the season.

6.—(1) Subsection 4 of section 11 of *The Ontario Game and Fisheries Act* as amended by section 8 of *The Ontario Game and Fisheries Act, 1916*, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 262, s. 11,
repealed.
Muskrat
and beaver
houses,
beaver
dams, etc.

- (4) No muskrat shall be shot or speared at any time nor shall any muskrat or beaver house or beaver dam be cut, speared, broken or destroyed at any time and no trap shall be set or placed closer than five feet to a muskrat or beaver house.

(2) Subsection 7 of said section as amended by section 3 of *The Ontario Game and Fisheries Act, 1918*, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 262, s. 11,
repealed.
Fisher,
marten, etc.

- (7) No fisher, marten, mink or raccoon shall be hunted, taken or killed or had in possession of any person between the 15th day of April and the 1st day of November following.

7. Section 11b of *The Ontario Game and Fisheries Act* as enacted by section 8 of *The Ontario Game and Fisheries Act, 1919*, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 72, 9 Geo.
V. 1919,
repealed.

- 11b. It shall be unlawful for any person or persons to ship to any point outside the province or attempt to take or ship to any point outside the province, any raw or undressed skins or pelts of fur-bearing animals or the skins or pelts of protected animals or to have such skins or pelts sent to a tanner to be dressed or plucked or treated in any way without first having obtained a permit from the Department. Royalty must be paid on each and every skin as follows:—

Payment of
royalty on
furs, etc.,
shipped out
of Ontario
or tanned.

Bear	\$ 60	Marten	\$1 00
Fisher	2 00	Mink	25
Fox (Cross)	2 00	Musk rats	08
Fox (Red)	1 00	Raccoon	10
Fox (Silver or Black)	10 00	Skunk	10
Fox (not specified)	50	Wolverine	40
Lynx	50	Weasel (Er- mine)	05

but

but such royalties shall not apply to pelts imported from outside the province if they are accompanied by an affidavit proving their place of origin to the satisfaction of the Department.

Rev. Stat., c. 262, s. 13, amended. **8.** *The Ontario Game and Fisheries Act* is amended by adding thereto the following section:—

Moose,
deer, etc., in
water not
to be
killed.

SHOOTING DEER, MOOSE, ETC., IN WATER
FORBIDDEN.

13a. No person shall hunt, kill, take or molest any deer, moose, reindeer or caribou while in the water.

Rev. Stat., c. 262, s. 14, repealed. **9.** Subsection 5 of section 14 of *The Ontario Game and Fisheries Act* as amended by section 11 of *The Ontario Game and Fisheries Act, 1916*, is repealed and the following substituted therefor:—

Traffic in
water fowl
and game
birds pro-
hibited.

“The purchase or sale of wild ducks, wild geese or other water fowl, snipe, quail, woodcock and partridge is prohibited.”

Rev. Stat., c. 262, s. 17, amended. **10.** Section 17 of *The Ontario Game and Fisheries Act* is amended by striking out all the words after the word “do” in the third line thereof.

Hired
hunters.

Rev. Stat., c. 262, s. 41, repealed. **11.** Subsection 5 of section 41 of *The Ontario Game and Fisheries Act* as amended by section 11 of *The Ontario Game and Fisheries Act, 1914*, and further amended by section 15 of *The Ontario Game and Fisheries Act, 1919*, is repealed and the following substituted therefor:—

Fur dealer's
license.

“No person shall engage in, or carry on, or be concerned in trading, buying or selling, or be in possession of fur-bearing animals, or skins, or pelts thereof, or the skins or pelts of protected animals except under the authority of a license.”

Rev. Stat., c. 262, s. 44, subs. 1, repealed. **12.** Subsection 1 of section 44 of *The Ontario Game and Fisheries Act*, as amended by section 16 of *The Ontario Game and Fisheries Act, 1919*, is repealed and the following substituted therefor:—

Marking
receptacles
for fish,
game and
pelts.

“All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in

such

such a manner as to give a list and description of the contents and the name and address of the consignee and consignor, and this applies to pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals can only be made either by express or by parcel post."

13. The clause lettered *d* of section 49 of *The Ontario Game and Fisheries Act* as amended by section 6 of *The Ontario Game and Fisheries Act, 1914*, and further amended by section 9 of *The Ontario Game and Fisheries Act, 1918*, and further amended by section 18 of *The Ontario Game and Fisheries Act, 1919*, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 262, s. 49.
Fur dealer's
license.
Repealed.

"Any person to buy or sell fur-bearing animals or the skins or pelts thereof, or the skins or pelts of protected animals, and the fee for such license shall be:—

For a resident British subject on specific premises to be known as "Store License" \$25.00

For resident British subject where premises are not designated to be known as "Traveling Fur Buyer"\$100.00

For a resident of the province who is not a British subject and for a non-resident..
.....\$200.00

For resident British subject on specific premises to be known as "Wholesale" license\$100.00

For non-resident wholesale buyers purchasing direct from holders of a "Wholesale" license \$5.00

14. Section 52 of *The Ontario Game and Fisheries Act* as amended by section 25 of *The Ontario Game and Fisheries Act, 1916*, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 262, s. 52.
repealed.
Guides.

52. Licenses or permits may be issued on such terms and conditions as may be prescribed by the regulations giving authority to act as guides for hunting, shooting or fishing in any part of Ontario specified in any license or permit to such persons applying therefor, as are certified by any officer of the Department or any tourist outfitter to be qualified so to act, and the fee for any such license or permit shall not exceed \$2.00.

Rev. Stat.,
c. 262, s. 63,
repealed.
Persons be-
fore whom
offences
may be
tried.

15. Subsection 1 of section 63 of *The Ontario Game and Fisheries Act* is repealed and the following substituted therefor:—

“Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act or *The Dominion Fishery Act* and Special Fishery Regulations for Ontario, may be brought and heard before any person authorized by this Act to act as a justice of the peace, notwithstanding anything in any other Act or Acts, or before any of His Majesty’s justices of the peace or police magistrate for the county, district, village, town or city in which the offence was committed or if near any boundary between the different counties or districts, then in either, but no person shall be compelled to attend at a greater distance from the place where he may have been found or arrested, or from his place of residence or the place where the offence was committed than ten miles if there is a justice of the peace residing within that distance who is willing to dispose of the case and is not disqualified.”

Rev. Stat.,
c. 262, s. 64,
repealed.

16. Subsection 1 of section 64 of *The Ontario Game and Fisheries Act* is repealed and the following substituted therefor:—

Onus of
proof.

(1) In all actions and prosecutions under this Act or regulations or regarding conditions of licenses, the onus shall be upon the person to prove that such game, fish, fur-bearing animals or any part thereof was lawfully taken, killed or procured.

Rev. Stat.,
c. 262, s. 65,
amended.
Disposal.

17. Subsection 8 of section 65 of *The Ontario Game and Fisheries Act* is amended by striking out the word “Overseer” and inserting in lieu thereof the words “Deputy Minister.”

Commence-
ment of
Act.

18. This Act shall come into force on the first day of June, 1920.

CHAPTER 98.

An Act to amend The Wolf Bounty Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Wolf Bounty Act, 1920*. Short title.

2. Section 4 of *The Wolf Bounty Act*, as amended by Rev. Stat., c. 264, s. 4, amended. section 2 of the Act passed in the sixth year of His Majesty's reign, chaptered 61, as amended by section 47 of the Act passed in the eighth year of His Majesty's reign, chaptered 20, is further amended by striking out all the words and figures following the words "the sum of" in the fourth line, and substituting in lieu thereof, "\$20 as a bounty upon the killing of any wolf over three months old, and \$20 additional if such wolf is a grey timber wolf; provided the bounty to be paid upon the killing of any wolf not over three months old shall be \$5." Amount of bounty in counties.

3. Subsection 3 of section 6 of the said Act as amended by section 4 of the said Act, passed in the sixth year of His Majesty's reign, as further amended by section 48 of the said Act passed in the eighth year of His Majesty's reign, is amended by striking out all the words and figures after the word "bounty" in the seventh line and substituting in lieu thereof the words, "\$20 as a bounty upon the killing of any wolf over three months old, and \$20 additional if such wolf is a grey timber wolf; provided that the bounty to be paid upon the killing of any wolf not over three months old shall be \$5." Rev. Stat., c. 264, s. 6, subs. 3, amended. Bounty in districts.

4. The superintendent of any provincial park shall have the like authority as the superintendent of Algonquin Provincial Park to take the affidavit and give the certificate required for payment of the bounty for killing a wolf, and section 7 of *The Wolf Bounty Act* is amended by striking out the word "Algonquin" in the second line and inserting in lieu thereof the words "a Provincial." Rev. Stat., c. 264, s. 7, amended. Park superintendents may take affidavits, etc.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

CHAPTER 99.

An Act to amend the School Laws.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The School Law Amendment Act, 1920.*

Rev. Stat.,
c. 265, s. 6,
subs. 1, cl. 1,
amended.

2. The clause lettered *l* in subsection 1 of section 6 of *The Department of Education Act* is amended by adding at the end thereof the following;—

Share of
Ontario
College of
Art in grant
for technical
education.

(i) For the purposes of this clause the Ontario College of Art shall be deemed a technical school and the Minister is authorized to pay out of any appropriation made for technical schools such sums as he may deem proper for the erection of buildings for the said college and for the maintenance and support of the college, and to apportion to the said college such share as he may deem proper of any aid received from the Government of Canada towards technical education.

Rev. Stat.,
c. 265,
amended.

3. *The Department of Education Act* is amended by adding thereto the following as section 6*b*;—

Guarantee-
ing payment
of school
debentures.

6*b*.—(1) The Lieutenant-Governor in Council may upon the recommendation of the Minister, for and in the name of the Province guarantee the payment of any debentures issued by a board of public school trustees or a board of separate school trustees in a provisional judicial district for the purchase of a site or for the erection of a public or separate school building in any case where owing to the rapid growth of settlement such action appears to be necessary in the interest of education.

(2)

- (2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council, and every guarantee given or purporting to be given under the authority of this section shall be binding upon the Province and shall not be open to question upon any ground whatsoever.

Form of
guarantee.

4. Section 7 of *The Continuation Schools Act* is repealed and the following substituted therefor:—

Rev. Stat.,
c. 267, s. 7,
repealed.

- 7.—(1) The council of every county shall on or before the 15th day of December in each year pay to the boards of all continuation schools in towns not separated from the county and in villages and townships in the county for the maintenance of continuation schools without any deduction on account of fees paid for county pupils, an amount equal to that apportioned by the Minister to such continuation schools out of the legislative grant for the maintenance of continuation schools.

County
grant.

- (2) Where the cost of maintenance of county pupils at a continuation school exceeds the amount apportioned by the Minister and the fees received from county pupils, the county shall in lieu of the equivalent of the amount apportioned out of the legislative grant pay to the board a sum to be ascertained in the manner following:—

When
further
grant to be
made.

From the total cost of maintenance of the continuation school the amount apportioned out of the legislative grant shall first be deducted and the remainder shall be divided by the number of days' attendance of all pupils at the school during the next preceding three years and the resulting amount shall be multiplied by the total number of days' attendance of county pupils during the same three years and from the remaining amount the fees received from the county pupils shall be deducted and the remainder shall be the sum payable by the county.

Mode of
ascertaining
amount
payable by
the county.

- (3) Where the continuation school has not been in existence for three years the attendance shall be reckoned for the period during which the school has been open.

Reckoning
attendance
in case of
new school.

Reference
of disputes
to county
judge.

- (4) The board and the county council may by agreement settle the amount to be paid by the county for the maintenance of county pupils in any year and if they cannot agree the same shall be settled by the judge on the application of either party.

Not to
affect
county aid.

- (5) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 8.

Term of
award.

- (6) Where a continuation school has been in existence for three years or more an award made by the judge shall be binding for three years, and where it has not been in existence for three years, for one year only.

Statements
to be sub-
mitted on
reference.

- (7) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for maintenance of the continuation school for each of the preceding years or a less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board, of the names, residences and attendance of all resident, non-resident and county pupils for each of such years or for such period, and giving a separate list with the names and addresses of the county pupils on whose account the demand for payment is made, and a statement certified by the chairman of the amount apportioned out of the legislative grant and of all fees received from county pupils during each of such years or during such period and shall also furnish to the judge such further information as he may require.

Meaning of
"county
pupils,"
"non-resi-
dent" and
"resident
pupils."

- (8) For the purposes of this section the terms "county pupils" "non-resident pupils" and "resident pupils" shall have the same meaning as in *The High Schools Act*.

Mainten-
ance of
county
pupils at
town school.

- (9) Where the board of a continuation school in a separated town has notified the county clerk that the continuation school is open to county pupils on the same terms as continuation schools in the municipalities not separated from the county are open to such pupils, the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per cent. of the cost of the maintenance of county pupils at such continuation school.

- (10) Where the board of a continuation school in a town, village or township has notified the clerk of any county adjacent to that in which the school is situate that such continuation school is open to pupils resident in such adjacent county on the same terms as to county pupils the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the maintenance of pupils from such county attending such school a sum equal to sixty-five per cent. of the cost of the maintenance of pupils at such school. Pupils from adjacent county.
- (11) The amount payable under subsections 9 and 10 shall be ascertained as follows:— Mode of ascertaining amount payable by county.
- From the total cost of maintenance of the continuation school the amount apportioned out of the legislative grants shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at such school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such county is liable; the percentage prescribed by the subsection under which payment is to be made shall then be determined and from that amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the sum payable by the county.
- (12) Where the parties do not agree as to the amount so payable the same shall be ascertained by the judge on the application of either party. Reference of disputes.
- (13) On the reference to the judge the board shall submit to him statements similar to those mentioned in subsection 7 certified in a similar manner, and shall furnish such further information as he may require. Statements to be submitted in reference.
- (14) The costs of a reference to the judge under this section shall be in his discretion and the amount thereof shall be fixed by him and he may direct to and by whom and in what manner the same shall be paid. Costs of reference.

5. Subsection 1 of section 7 of *The High Schools Act* is amended by adding thereto the following clause:— Rev. Stat., c. 268, s. 7, subs. 1, amended.

(d)

Establishment of high school for portion of a township.

- (d) For a portion of a township adjacent to a city having a population of at least 50,000, if there are at least 2,000 inhabitants within the proposed district and the council of the township petition for such high school district.

Certain former by-laws for establishing high schools validated.

6.—(1) Where a by-law has been heretofore passed by the council of a county for the establishment of a high school in a municipality under clause *a* of subsection 1 of section 7 of *The High Schools Act*, or under any former provision for which the same was substituted, the Lieutenant-Governor in Council or the Minister of Education may approve of such by-law and the same shall thereupon be acted upon and carried out by the council of the county, and the board of trustees of the high school so established, notwithstanding that such approval was not given at the time of the passing of the by-law, and every high school so established shall be deemed to have been lawfully established, anything in *The High Schools Act*, or in any Act for which the same was substituted to the contrary notwithstanding.

Commencement of section.

- (2) This section shall have effect as from the 1st day of May, 1920.

Rev. Stat., c. 269, s. 7, subs. 3, repealed.

7. Subsection 3 of section 7 of *The Boards of Education Act* is repealed.

Rev. Stat., c. 277, s. 5, amended.

8. *The School Sites Act* is amended by adding thereto the following section:—

Acquiring land outside city for school sites.

- 5a.**—(1) The board of education of a city having a population of 50,000 or over may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city so as to include such land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city and all land so acquired so long as it is held by the board shall be subject to municipal assessment and taxation in the municipality in which it is situate.

Expropriation not authorized.

- (2) Nothing in subsection 2 contained shall be deemed to authorize the expropriation of land by the board of such city in any other municipality.

- (3) Where a board has acquired land in any municipality under the provisions of subsection 2 and the same appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the same as it may deem expedient. Power to dispose of sites so acquired.
- (4) This section shall take effect and shall apply as to all lands so acquired by the board of education of a city since the 1st day of January, 1910. Section to be retroactive.

9. Where the board of public school trustees or the board of education of a city having a population of 200,000 or over has heretofore acquired land in a township adjacent to such city, and has erected thereon buildings for public school purposes, or such buildings are in the course of erection, or the board proposes to erect public school buildings thereon, the board may complete or erect such buildings and may establish and conduct and carry on public schools therein, and such schools shall be deemed to have been lawfully established and may be conducted and carried on by the said board of education in the same manner as if such schools were erected and maintained within the limits of the city, and all the provisions of *The Public Schools Act* shall apply to such schools in the same manner and to the same extent as to public schools established and conducted by the board within the limits of the city. Certain acts of board in city of 200,000 validated.

10. Whereas doubts have arisen upon the construction of *The Teachers' and Inspectors' Superannuation Act* as to the proper method of making up and keeping the accounts of the fund provided for by the said Act and the disposition of the contributions made thereto in pursuance of the said Act,— Preamble.

1. An account of the fund shall be made up as of the 31st day of October, 1920, in the manner following, that is to say:— Ascertaining balance at credit of fund at close of present fiscal year.
- (a) The contributions made in each fiscal year, commencing with the year 1916-1917, by the teachers and inspectors and by the Province of Ontario to the fund, including any special appropriation for the fund and any appropriation for the expenses of administration, together with any amount paid over to the Treasurer of Ontario on account of the superannuation fund of a school board, shall be credited to the fund as of the first day of February in the same fiscal year;

(b)

(b) Interest shall be credited to the said fund half-yearly for each fiscal year, commencing with the year 1916-1917 down to and including the year 1919-1920, and shall be calculated upon the balance at the credit of the fund on the 30th day of April and the 31st day of October in each year.

Treasurer
to be
custodian
of fund.

2. The Treasurer of Ontario shall be the custodian of the fund.

Balance on
31st October,
1920, to con-
stitute fund.

3. At the close of the current fiscal year a sum equal to the total amount shown to the credit of the fund on the 31st day of October, 1920, with interest to the said date, shall be set apart out of the Consolidated Revenue Fund and shall constitute the Ontario Teachers' and Inspectors' Superannuation Fund.

Investment
of fund in
provincial
securities.

4. The fund, less such amount or amounts as shall be necessary from time to time to meet current expenditures, shall be invested by the Treasurer of Ontario in securities of the Province of Ontario and such securities shall be set apart and earmarked for the fund, and the interest payable from time to time on account thereof shall be paid into and form part of the fund and shall be credited thereto whenever payable.

Crediting
contributions
and interest.

5. All contributions paid into the fund during any fiscal year shall be credited to the fund as of the 1st day of February of each fiscal year and the Province shall pay interest thereon at the rate from time to time payable by the Province upon loans issued for provincial purposes as fixed by the Lieutenant-Governor in Council for the period between the 1st day of February and the 31st day of July in each such fiscal year.

Books and
accounts.

6. Books shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the fund, and all sums received from time to time by way of contributions to the fund or which may be paid by the province towards the administration thereof, and an account shall be kept in some chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the fund, and all amounts received as payments into the fund or as refunds, shall be deposited to the credit of the

Bank
account.

said

said account and all payments out of the fund shall be by cheque upon the said account as hereinafter provided.

7. The payment of any superannuation allowance or other benefit under *The Teachers' and Inspectors' Superannuation Act* and the costs and expenses of the administration of the Act shall be payable out of the fund and the payments therefor shall be made by the cheque of the Treasurer, signed by him or by the Assistant Treasurer or by such other person as may be appointed by the Treasurer for that purpose, but no cheque shall issue unless countersigned by a member of the commission appointed under section 13 of the said Act. Payments out of fund by cheque of treasurer.

8. The Treasurer of Ontario may issue bonds or other securities of the Province for the amount or any part thereof to the credit of the fund on October 31st, 1920, and thereafter from time to time for any amount or amounts to be contributed by the Province to the fund or in exchange for any amounts to the credit of the fund, and such bonds or other securities shall bear interest at the rate from time to time payable by the Province upon loans issued for provincial purposes as fixed by the Lieutenant-Governor in Council. Issue of provincial securities for fund.

9. Regulations may be made by the Minister of Education with the approval of the Lieutenant-Governor in Council, as provided by *The Department of Education Act* respecting: Regulations.
 - (a) The manner in which the accounts of the fund are to be kept; Accounts.
 - (b) The persons by whom such accounts shall be kept and who shall be responsible for the safe-keeping of the securities issued from time to time on account of the fund; Custody of securities
 - (c) The form of cheques to be issued from time to time against the account of the fund and the manner in which the same shall be signed and countersigned. Cheques.

10. The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested from time to time shall be examined Audit. and

and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request.

(a) The costs and expenses of such audits and reports shall be paid out of the Consolidated Revenue Fund of Ontario.

Inconsistent provisions repealed.

11. Anything in *The Teachers' and Inspectors' Superannuation Act* or the amendments thereto inconsistent with the provisions of this Act shall be deemed to be repealed.

9 Geo. V., c. 75, s. 2, amended.

11. Subsection 8 of section 16 of *The Public Schools Act*, as enacted by section 2 of *The Consolidated Schools Act, 1919*, is amended by striking out all the words therein after the word "Minister" in the third line.

Consolidated schools established prior to Act of 1919.

12.—(1) Every consolidated school established prior to the enactment of *The Consolidated Schools Act, 1919*, shall be deemed to have been from the date of the establishment thereof, legally and validly constituted and all the provisions relating to consolidated schools contained in section 16 of chapter 266 of the Revised Statutes of Ontario, 1914, shall be deemed to have continued in force and shall be and remain applicable to the said schools as if *The Consolidated Schools Act, 1919*, had not been passed.

Provision for bringing such schools under Act of 1919.

(2) The board of trustees of any such consolidated school by resolution passed with the approval of the Minister of Education before the 1st day of September in any year may declare that such school shall be a consolidated school under and subject to the provisions of *The Consolidated Schools Act, 1919*, and at the next ensuing annual municipal election trustees shall be elected for the said consolidated school section in the manner provided by *The Consolidated Schools Act, 1919*, and thereafter such school shall be subject to the provisions of the said Act in the same manner and to the same extent as a consolidated school established under *The Consolidated Schools Act, 1919*.

9 Geo. V., c. 75, s. 2, amended.

13. Subsection 20 of section 16 of *The Public Schools Act*, as enacted by section 2 of *The Consolidated Schools Act, 1919*, is amended by adding thereto the following clause:—

(h)

- (h) For permitting the board of trustees of a consolidated school and the trustees of any adjacent school section to enter into an agreement for incorporating such school section in the consolidated school section, and for prescribing the method in which the rights and liabilities of the respective boards shall be determined and the agreement consummated.
- Enlarging consolidated school area.

14. Every consolidated school heretofore established with the approval of the Minister under *The Consolidated Schools Act, 1919*, or purporting to be so established, shall be deemed to have been lawfully established, and all by-laws passed and all documents issued or to be issued for the purposes of such school shall be deemed to be legal, valid and binding upon the municipal corporations which have passed, issued or shall issue the same, notwithstanding any want of substance or form in proceedings taken for the establishment of such consolidated school, or in any by-law or in the election of trustees or with respect to any other matter whatsoever.

Proceedings for establishment of consolidated schools validated.

15. This Act shall come into force on the day on which it receives the Royal Assent.

Commencement of Act.

CHAPTER 100.

An Act to consolidate and amend The Public Schools Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

Short title. **1.** This Act may be cited as *The Public Schools Act, 1920*, R.S.O. 1914, c. 266, s. 1.

Interpretation. **2.** In this Act:

"Board." **(a)** "Board" shall mean a board of public school trustees;

"County inspector." **(b)** "County inspector" shall mean the inspector appointed for a county inspectorate;

"County inspectorate." **(c)** "County inspectorate" shall mean a county or portion of a county or portions of two or more counties for which an inspector is appointed, but shall not include a city or separated town for which an urban inspector is appointed;

"District inspector." **(d)** "District inspector" shall mean an inspector appointed for a district inspectorate;

"District inspectorate." **(e)** "District inspectorate" shall mean an inspectorate composed of territory outside of county organization. R.S.O. 1914, c. 266, s. 2. *Part*;

"Elector." **(f)** "Elector" shall mean any person entered on the last revised voters' list as qualified to vote at municipal elections and who is not a supporter of separate schools (*new*);

"Inspector." **(g)** "Inspector" shall mean public school inspector;
(h)

- (h) "Inspectorate" shall mean the territory for which an inspector is appointed; "Inspectorate."
- (i) "Minister" shall mean Minister of Education; "Minister."
- (j) "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates; "Ratepayer."
- (k) "Regulations" shall mean regulations made under *The Department of Education Act*; "Regulations," Rev. Stat., c. 265.
- (l) "School section" and "section" shall include a part of one or more township municipalities under the jurisdiction of one public school board; "School section."
- (m) "School site" shall mean the land necessary for a schoolhouse, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith; "School site."
- (n) "Secretary" or "Treasurer" shall include a secretary-treasurer; "Secretary" or "Treasurer."
- (o) "Separated town" shall mean a town which does not form part of a county for municipal purposes; "Separated town."
- (p) "Teacher" shall mean a person holding a legal certificate of qualification; "Teacher."
- (q) "Township" shall include a union of townships; "Township."
- (r) "Township board" shall mean a board having jurisdiction over all the public schools in a township; "Township board."
- (s) "Urban inspector" shall mean the inspector appointed for an urban inspectorate; "Urban inspector."
- (t) "Urban inspectorate" shall mean a city or separated town not included in a county inspectorate; "Urban inspectorate."
- (u) "Urban municipality" shall mean a city, town or village. R.S.O. 1914, c. 266, s. 2. *Part.* "Urban municipality."

3. The Regulations, though not specially referred to, shall apply to any matter or thing in this Act contained, so far as the same are consistent with this Act. R.S.O. 1914, c. 266, s. 3. Application of regulations.

Exemption
of support-
ers of
Roman
Catholic
separate
schools.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools except that all taxable property shall continue to be liable to taxation for the purpose of paying any liability incurred for public school purposes while such property was subject to taxation for such purposes. R.S.O. 1914, c. 266, s. 4.

Existing
school
arrange-
ments
continued.

5. Until altered under the authority of this Act all public school sections or other public school divisions shall continue as they now exist; all trustees duly elected and all officers duly appointed shall continue in office; and all agreements, contracts, assessments, and ratebills heretofore duly made in relation to public schools and existing when this Act takes effect shall continue subject to the provisions of this Act. R.S.O. 1914, c. 266, s. 5. *Amended.*

PUBLIC SCHOOLS TO BE FREE.

Public
schools
to be free.

6.—(1) All schools established under this Act shall be free public schools, and every person between the ages of five and twenty-one years, except persons whose parents or guardians are separate school supporters, shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

Right to
attend
kinder-
garden
schools.

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient.

Rights of
persons
having
charge of
children.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person shall be subject to the provisions of *The School Attendance Act, 1909*, in the same manner and to the same extent as a ratepayer. R.S.O. 1914, c. 266, s. 6.

Rev. Stat.,
c. 274.

SCHOOL YEAR AND HOLIDAYS.

Terms.

7.—(1) The school year shall consist of two terms, the first of which shall begin on the first day of September and shall end on the twenty-second day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. R.S.O. 1914, c. 266, s. 7 (1).

(2)

(2) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged and every day upon which a school is closed under the provisions of *The Public Health Act* or the Regulations of the Department of Education shall be a holiday in public schools. R.S.O. 1914, c. 266, s. 7 (2); 9 Geo. V, c. 73, s. 7. Holidays.

(3) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed in each year. In rural school sections.

(4) When there is no county organization, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. R.S.O. 1914, c. 266, s. 7 (3), (4). Determining school terms in districts.

RELIGIOUS INSTRUCTION.

8.—(1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian. Religious exercises.

(2) Subject to the Regulations, pupils shall be allowed to receive such religious instructions as their parents or guardians desire. R.S.O. 1914, c. 266, s. 8. Religious instruction.

SCHOOL VISITORS.

9.—(1) Judges, members of the Assembly, and members of municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge. Public school visitors defined.

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they deem expedient. R.S.O. 1914, c. 266, s. 9. Their powers.

SCHOOL LANDS GRANTED PRIOR TO 24 JULY, 1850.

School lands
granted
before 1850
vested in
trustees for
school
purposes.

10. All lands which before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held. R.S.O. 1914, c. 266, s. 10.

SELECTION OF SCHOOL SITES BY RURAL BOARDS.

Selection
and change
of school
site.

11.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building, or to change the site of an existing school house; or where a petition in that behalf is presented by twenty-five per centum of the ratepayers of the school section, the board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site; and no site shall be adopted, except in the manner herein provided, without the consent of a majority of such meeting. R.S.O. 1914, c. 266, s. 11 (1); 6 Geo V, c. 24, s. 35.

Arbitration
when
trustees and
ratepayers
differ as
to site.

(2) In case a majority of the ratepayers present at such special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award, approve of the site selected by the board or may change the boundaries of the same or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose.

Award.

Reconsidera-
tion of
award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one, if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof; but if the boundaries of the section

Duration.

section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made. Where boundaries altered.

(4) If the board or the majority of the ratepayers present at a public school meeting neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator as provided in this Act, the inspector with the arbitrator appointed shall meet and determine the matter; and the inspector in case of such refusal or neglect shall have a second or casting vote if he and the arbitrator appointed do not agree. R.S.O. 1914, c. 266, s. 11 (2)-(4). Where failure to appoint arbitrator.

ACTIONS TO SET ASIDE AWARDS.

12. No action to set aside an award made under this Act shall be undertaken by or at the instance of the board of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. R.S.O. 1914, c. 266, s. 12. Consent of majority of ratepayers to action to set aside award.

SCHOOL WALLS AND FENCES.

13. Any wall or fence deemed necessary by the board or required by the Regulations for the enclosure of the school premises shall be erected and maintained by the board. R.S.O. 1914, c. 266, s. 13. Fence.

ENLARGEMENT OF SCHOOL GROUNDS BY BOARD.

14. Where the area of a rural school site is less than is required by the Regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the Regulations. R.S.O. 1914, c. 266, s. 14. Enlargement of school site.

ALTERATION OF SECTION BOUNDARIES.

15.—(1) The council of a township may pass by-laws: Union of two or more sections.

- (a) To unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the inspector for that purpose, a majority of the ratepayers present at each meeting request to be united;

(i)

Constitution
of board
when all
sections
united.

- (i) But when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or may divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts;

Alteration,
etc., of
school
sections.

- (b) To alter the boundaries of a school section, or to divide an existing section into two or more sections, or to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union have been duly notified in such manner as the council may deem expedient of the proposed by-law for that purpose, or of any application made to the council for such alteration, division or union.

Time for
passing by-
law; com-
mencement
and
duration.

- (2) No such by-law shall be passed later than the first day of June in any year nor shall any such by-law subject to the provisions as to the formation, alteration or dissolution of union school sections, take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and subject to the provisions hereinafter contained every such by-law shall remain in force unless set aside as hereinafter provided, for a period of five years.

Clerk to
send copies
to board
and
inspector.

- (3) The township clerk shall transmit a copy of such by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector. R.S.O. 1914, c. 266, s. 15 (1)-(3).

When part
of section is
added to city
or town.

- (4) Where in the opinion of the inspector a change in the assessment, population or otherwise has so materially affected a school section that a readjustment of the boundaries thereof is required, or where part of a school section has been added to a city or town the council of the municipality in which such section or the remaining portion of such section is situate may pass a by-law for the readjustment of the boundaries of the remaining part of such section, notwithstanding the

the passing of a by-law within five years affecting the limits of such section or adjoining sections. R.S.O. 1914, c. 266, s. 15 (4); 4 Geo. V, c. 21, s. 55.

(5) Any section formed by dividing an existing section shall be deemed to be a new section for all purposes. R.S.O. 1914, c. 266, s. 15 (5). Status of section formed by division of section.

(6) The council of a county, at the request of a majority of the councils of the townships in the county for a readjustment of the boundaries of the school sections in the county, shall appoint arbitrators as provided by section 21. 7 Geo. V, c. 27, s. 41, *part*; 9 Geo. V, c. 73, s. 8. Readjustment of boundaries of school sections in counties.

(7) The council of a county may in like manner appoint arbitrators at the request of the council of any township in the county to readjust the boundaries of the school sections in the township. Readjustment of boundaries of school sections in townships.

(8) The arbitrators shall take action and make their award and the same may be put into effect notwithstanding that any time limit in connection with the operation of a previous award or change of boundaries has not expired. 7 Geo. V, c. 27, s. 41, *part*. Time-limit not to prevail.

APPEALS FROM TOWNSHIP COUNCIL.

16.—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situate against any by-law of the township council for the formation, division, union or alteration of their school section or sections, or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township. Appeal to county council.

(2) The time for appeal shall run from the date of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for such by-law to be passed, as the case may be. Time for appeals.

(3) The county council may if it thinks fit appoint a board of arbitrators consisting of not more than five nor less than three competent persons, two of whom shall be the county Appointment of arbitrators.

county judge, or some person named by him, and the inspector, a majority of whom shall form a quorum, to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of.

Notice.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township and to the school boards concerned.

Appeals in territorial districts.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the judge of the district court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council.

(a) The notice of appeal shall be given to the clerk of the township, the inspector and the judge;

(b) The township council at its first meeting after service of such notice upon the township clerk shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment;

(c) The judge upon receipt of the notice of appeal shall notify the inspector in writing of his willingness to act as arbitrator or shall name some person to act in his stead and notify the inspector in writing of such appointment;

(d) When the board is complete the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

When alterations or determination of appeal to take effect—duration.

(6) The alterations or determination of such matters except as herein otherwise provided shall not take effect before the 25th day of December in the year in which the award is made and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act.

Who may act as arbitrators.

(7) No person shall be nominated or appointed arbitrator who is a member of the township council or who was a member at the time at which the council passed or refused or neglected to pass the by-law. R.S.O. 1914, c. 266, s. 17.

Adjustment of claims between members of unions in same township.

ADJUSTMENT OF CLAIMS BETWEEN SECTIONS.

17.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township,
in

in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall as arbitrators value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive.

(2) Where there are more inspectors than one the township council shall name the inspector who is to act. R.S.O. 1914, c. 266, s. 18. Where more inspectors than one.

SALE OF SCHOOL PROPERTY.

18.—(1) When a school site, school house or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose. Disposal of school property when not required.

(2) Where ratepayers are transferred from one school section to another the board of the section to which they are transferred shall be entitled for the public school purposes of the section to such a proportion of the proceeds of the sale as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation; and the residue of such proceeds shall be applied to the erection of a new school house or to other public school purposes in the old school section. Application of proceeds where ratepayers transferred from one section to another.

(3) In the case of united sections the proceeds shall be applied to the public school purposes of the united section. R.S.O. 1914, c. 266, s. 19. Application of proceeds in union sections.

VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS.

19.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who according to the practice of the court in which the proceedings are taken ought to be served School sections and union sections confirmed.

served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.

No proceedings invalid unless where substantial injustice.

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them.

Jurisdiction of county or district judge.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them, or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the Supreme Court, but shall be raised, heard and determined upon a summary application to the judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such judge shall be final and conclusive unless special leave to appeal therefrom shall be given by the Supreme Court or a judge thereof, and if such leave be given an appeal shall lie to the Supreme Court upon questions of law only, upon and subject to such terms and conditions as the court or judge giving the leave shall prescribe.

Appeals where judge is arbitrator.

(4) Where the question touches an arbitration or award to which the judge has been a party, the application shall be heard and determined by the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. R.S.O. 1914, c. 266, s. 20.

UNION SCHOOL SECTIONS.

What unions may be formed.

20.—(1) A union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an adjoining urban municipality not being a city or a separated town,

town, and in such case the union shall be considered an urban municipality.

(2) Except where the section is an urban municipality, the board shall be a corporation under the name of "The Board of Public School Trustees of Union School Section numbers in the ."
Corporate name.

(3) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned to their respective councils asking for the formation, alteration or dissolution of the section.
Procedure for formation, alteration or dissolution of union.

(4) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.
Appointment of arbitrators.

(5) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly if such petition is signed by five ratepayers of the municipality acting thereon.
Petition of council.

(6) Where there would otherwise be an even number of arbitrators the judge of the county or district court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts the judge of the county or district court of the county or district which has the largest population according to the last Dominion census, or some person named by him, shall be added.
Where even number of arbitrators appointed county judge to act.

(7) The arbitrators, or a majority of them, may make and publish the award.
Majority award.

(8) The first meeting of the arbitrators shall be called by the senior inspector who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned who shall forthwith notify the arbitrators appointed by their respective councils.
First meeting of arbitrators.

(9) Where the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section or in such altered section as the case may be.
Award, what to contain.

(10) In the event of the transfer of any land from an existing union section to some other section the arbitrators shall
Award to set out land transferred

shall in their award set forth to what other section such transfer shall be made.

In case of
dissolution.

(11) Where the arbitrators determine upon the dissolution of an existing union section, they shall set forth in their award the section or sections to which the land composing such union section shall be attached.

Reorganiz-
ing union
section.

(12) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

Fixing
propor-
tion of
liabilities.

(13) Where a new union section is formed or an existing union section is altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the school house and the maintenance of the school and other necessary expenses.

Adjust-
ment of
claims.

(14) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

Calling first
meeting to
elect
trustees.

(15) Where a new union section is formed the inspector authorized under subsection 8 to call the first meeting of the arbitrators shall call the first meeting of electors for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

Not to take
effect till
the 25th of
December
except for
certain
purposes.

(16) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

(17) Subject to the provisions of subsections 6, 7 and 8 of section 15 and subsection 22 of this section a union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient; and two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the proceedings shall be the same as in the case of a petition under subsection 3.

(18) Where an award, whether for or against the formation of a new union school section, has not been acted upon the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

(19) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void the proceedings mentioned in subsections 1 and 3 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom. R.S.O. 1914, c. 266, s. 21 (1)-(19).

(20) In a provisional judicial district:

(a) A union school section may include any of the following, namely,—an organized township or any part thereof, or two or more organized townships or parts thereof; an unorganized township or any part thereof, or two or more unorganized townships or parts thereof, unsurveyed territory, and a town or village, and the union school section may be altered or dissolved, and in such case the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector;

(b) The arbitrators shall consist of a person appointed by the council of the organized township, the inspector of the district and the judge of the district court, or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in the preceding subsections

tions of this section, all of which, so far as applicable, shall apply to the subject matter of this subsection. R.S.O. 1914, c. 266, s. 21 (20); 4 Geo. V, c. 21, s. 56; 7 Geo. V, c. 27, s. 42; 9 Geo. V, c. 73, s. 9.

Alterations of boundaries not to affect power to form unions.

(21) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 15 or by subsection 1 of section 28 has not expired.

Alteration or dissolution when assessment materially altered.

(22) Where within the period of five years mentioned in subsection 17 the assessment of the union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, such union school section notwithstanding the provisions of that subsection may be altered or dissolved. R.S.O. 1914, c. 266, s. 21 (21), (22).

Appeal relating to union school within a county.

21.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies wholly within a county, the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators as provided in section 21.

Appointment of arbitrators by county council.

(2) On receipt of such appeal the county councils shall have power to appoint not more than three arbitrators who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 20 and the decision of a majority of them shall be final and conclusive.

Calling first meeting of arbitrators.

(3) The first meeting of such arbitrators shall be called by the county clerk. R.S.O. 1914, c. 266, s. 22.

Appeal relating to union school within two or more counties.

22.—(1) Where territory which it is proposed to form into a union school section, or which it is proposed to alter or dissolve, comprises an organized or unorganized township, or any part thereof, and an urban municipality, or lies in more than one county or in a district, the board, or any five ratepayers in the union school section or territory concerned, or any inspector or inspectors, may at any time appeal to the Minister from any award made by arbitrators for or against

against the formation, alteration or dissolution of such section, or against the refusal or neglect of the council or councils concerned to appoint arbitrators or for the dissolution or alteration of any existing school section.

(2) The Minister may in his discretion alter, determine or confirm such award, or where no award has been made he may appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 21, and a decision of a majority of them shall be final and conclusive. 9 Geo. V, c. 73, s. 10. Powers of Minister.

(3) The first meeting of the arbitrators shall be called by the Minister. R.S.O. 1914, c. 266, s. 23 (3). First meeting of arbitrators.

23. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. R.S.O. 1914, c. 266, s. 24. Collection of rates in union school sections.

24. Where a township is divided for municipal purposes all school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities shall be deemed union sections until otherwise altered under the provisions of this Act. R.S.O. 1914, c. 266, s. 25. Union sections as a consequence of a division of township.

25. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the school house is situate, or if there are two or more school houses then in that municipality within which a school house is situate which has the largest amount of property assessed for public school purposes. R.S.O. 1914, c. 266, s. 26. Election of trustees, and inspection of union school sections.

26.—(1) Where a union school section includes an urban municipality divided into wards and part of an adjoining township the board shall by resolution determine in which ward or wards the electors of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent any such elector may vote in either of such wards. R.S.O. 1914, c. 266, s. 27. Where township ratepayers to vote when urban municipality divided into wards.

List of
voters.

(2) The clerk of the township shall furnish to the clerk of the urban municipality a certified copy of so much of the last revised voters' list of the township as contains the names of electors qualified to vote in that portion of the union school section lying within the township. (*New.*)

Where part
of a town-
ship is
annexed to
urban
municipality

27.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator who, with the judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof the same shall be paid or settled.

Arbitration
to deter-
mine rights.

Effect of
award.

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school money and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

Issue of
debentures.

(3) The provisions of section 43 shall not apply to the money required to be paid under the award or agreement and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors and upon the terms and conditions set forth in a by-law of the council of the municipality.

Status of
the part
of a school
section
which is
not
annexed.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections, where a part of a township so incorporated or annexed includes part only of a school section the part remaining shall constitute a school section by the same name as before the incorporation or annexation, and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the board of public school trustees for the part of the section not so included in the urban municipality. The trustees may resume office or be elected for the section in case the board has been disbanded, and action may be taken by the township council at any time, as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

(5) Where urban municipalities become united all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. R.S.O. 1914, c. 266, s. 28.

Disposition of assets and liabilities upon union of municipalities.

MAINTENANCE OF UNION SCHOOLS.

28.—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per cent. of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assessments and before the first day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies.

Assessors to determine proportion.

(2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes the assessors shall, at their next meeting, revise the equalization.

Where assessment materially altered by exemptions.

(3) The meeting of the assessors shall be called by the assessor of the municipality in which the school house is situate.

Calling meeting of assessors.

(4) Where there are more assessors than one the head of the municipal corporation shall name the assessor who shall act.

By whom.

(5) Notice of the determination shall be given forthwith to the secretary of the board and to the clerk of each municipality.

Notice of determination.

(6) Where the assessors disagree, the inspector in whose inspectorate the school of the union section is situate, and the assessors shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the first day of July.

Arbitration where assessors disagree.

(7) Where the union school section is composed of parts of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the school house of the section is situate shall act with the assessors.

When school section lies in two counties.

Duration of
decision of
assessors.

(8) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect.

Recon-
sideration
of award.

(9) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination or award is expressed.

Cost of
assessors
and
arbitrators.

(10) The costs of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. R.S.O. 1914, c. 266, s. 29.

CONFIRMATION OF BY-LAWS AND AWARDS.

Certain
by-laws
and
awards to
be valid
unless
notice to
quash given.

29.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same unless notice of an application to quash such by-law or to set aside such award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside.

What
deemed
publication
of by-law.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. R.S.O. 1914, c. 266, s. 30 (1), (2).

ESTABLISHMENT OF SECOND SCHOOLS IN SECTIONS WHERE ROADS IMPASSABLE.

Establish-
ment of
second
school.

30.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes the public school in any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section, or to provide transportation to and from the school for such pupils.

Determin-
ing months
in which
second
school to
be open.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school.

(3) Any grant in either case from the assisted school fund Grant shall be supplemented by equal amounts from the townships and county councils.

(4) The provisions of subsection 1 of section 7 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. R.S.O. 1914, c. 266, s. 31.

SECTIONS IN UNORGANIZED TOWNSHIPS.

31.—(1) The inspector may form an unorganized township or part of an unorganized township or parts of two or more adjoining unorganized townships into a school section.

(2) The section shall not, in length or breadth, exceed five miles, and subject to this restriction, the boundaries may be altered by the inspector from time to time. R.S.O. 1914, c. 266, s. 31 (1), (2).

(3) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section may alter the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested.

(4) A person whose place of residence is distant more than three miles by the nearest public highway from the school of the section shall be exempt from all rates for school purposes unless a child of such person attends such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within such distance, nor to the lands of non-residents, nor to the lands of residents in the section who have no children of school age.

(5) After the formation of a section any two ratepayers in the section may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section.

Trustees' powers and obligations.

(6) The trustees elected at such meeting or at any subsequent school meeting of the section shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December next after such alteration and not before. R.S.O. 1914, c. 266, s. 32 (4)-(7).

Sections to be divided into groups.

32.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

Court of revision.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance.

When inspector to act as court of revision.

(3) Where from the sparseness of settlements it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector on the request of any board may assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under subsection 2. R.S.O. 1914, c. 266, s. 33.

Annual assessment roll.

33.—(1) The board shall, annually, at their first meeting, and not later than the first day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision.

Notice of assessment.

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed.

Assessor to make oath.

(3) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable

taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*. Rev. Stat., c. 195.

(4) The assessor shall return the assessment roll to the secretary not later than the first day of June of the year in which the assessment is made. Return of roll.

(5) A copy of the roll so certified shall be open to inspection by all persons interested at some convenient place in the section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment. Appeal against assessment.

(6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers. Posting up notice.

(7) Subject to the provisions of clauses *a* and *b*, all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision. Manner of appeal.

(a) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(b) The court may appoint a competent person to be its clerk for each section or one for all the sections. R.S.O. 1914, c. 266, s. 34 (1)-(7).

(8) The assessor, when making his assessment, shall enter in a book to be provided by the board the name, age and residence of every child between the ages of 5 and 21 years resident in the section and the name and residence of such child's parents or guardian, and shall, with the assessment roll, return the book to the secretary, and the secretary shall include a copy of the particulars entered in the book in his annual report to the inspector. R.S.O. 1914, c. 266, s. 34 (8). *Amended.* School census

Confirmed
roll
binding.

(9) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid. R.S.O. 1914, c. 266, s. 34.

Assessment
of portion
of unorgan-
ized town-
ship form-
ing with
organized
municip-
ality, a
union school
section.

34.—(1) Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to any part thereof which lies within the organized municipality.

Where
joined
with a
town in a
judicial
district.

(2) Where a union section is composed of a town in a provisional judicial district and of a portion of any other organized municipality and any part of an unorganized township the part of the unorganized township included in the school section shall, for public school purposes, be deemed to be annexed to the town and form part thereof, and the officers of the town shall make any assessments and collect all taxes and do all such other acts and perform such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to the town. R.S.O. 1914, c. 266, s. 35.

Issuing
debentures
for school
sites and
houses.

35.—(1) In unorganized townships the board of a section may issue debentures for the purchase of a school site and the erection of a school house, for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

Rev. Stat.,
c. 192.

Signing
and sealing
debentures.

(2) The debentures shall be signed by the trustees and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. R.S.O. 1914, c. 266, s. 36 (1), (2).

36.—(1) The board may appoint some competent person who may be a member thereof to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five nor more than ten per centum on the moneys collected by him; and every collector shall give security satisfactory to the board and the security shall be lodged for safe keeping with the inspector.

Appoint-
ment and
duties of
school
collector.

(2) Every collector shall have the same powers in collecting the school rate or subscriptions, and shall be under the same liabilities and obligations and proceed in the same manner in the section or township, as a township collector in collecting rates in his township as provided by *The Assessment Act*.

Powers
and lia-
bilities
of school
collector.

Rev. Stat.,
c. 195.

(3) The collector shall, on or before the first day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

Return of
arrears of
taxes in
unorganized
territory.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Entry in
sheriff's
book.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

Payments
of arrears
thereafter.

(6) After the expiration of such period all such arrears shall be payable to the sheriff who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

When
arrears to
be paid to
sheriff.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities. R.S.O. 1914, c. 266, s. 37.

Sale of
land for
arrears.

SCHOOLS IN UNSURVEYED DISTRICTS.

Schools in
unsurveyed
districts.

37.—(1) In any part of Ontario not surveyed into townships five of the inhabitants thereof who are twenty-one years of age may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct.

Election of
trustees.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Notice to
the Minister
of Educa-
tion.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes the Minister may pay over to the board, out of the appropriation made by this Legislature for public schools, such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. R.S.O. 1914, c. 266, s. 38.

EXEMPTIONS.

Exemption
by-laws
not to
include
school
taxes.

38. No by-law of a municipal council passed after the 14th day of April, 1892, or hereafter passed, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind. R.S.O. 1914, c. 266, s. 39.

RETURN OF ANNUAL CENSUS.

Clerk to
make re-
turns of
population.

39.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the first day of April in each year.

Clerk to
furnish in-
spector
with
school
statistics.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. R.S.O. 1914, c. 266, s. 40.

Clerk to
give copy of
assessment
to inspector.

40.—(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with

with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the other particulars required by sections 33 and 34 of *The Assessment Act* as to the children in each section, and the cost of preparing this statement shall be paid by the board applying for the same. R.S.O. 1914, c. 266, s. 41 (1). *Amended.*

(2) The clerk of every township in which a section is situated which is wholly or in part united to an urban municipality shall give to the clerk of the urban municipality such information as may be required regarding population and assessment in connection with such section. R.S.O. 1914, c. 266, s. 41 (2). Statement to be furnished to urban municipality by clerk of township.

APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS.

41. The council of every township may by by-law apportion among the school sections in the township the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. R.S.O. 1914, c. 266, s. 42. Apportionment of school money by township councils.

BORROWING POWERS.

In Urban Municipalities.

42.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes:— Debentures for school purposes.

- (a) The purchase or enlargement of a school site;
- (b) Obtaining and conveying, from beyond the school premises if necessary, a supply of water;
- (c) The erection of a school house, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them;
- (d) Repairs or improvements of the school property;
- (e) The purchase of furniture, furnishings, school apparatus, a school library and other equipment;

and it shall not be necessary that the by-law shall be submitted to the electors for their assent.

Chargeable only on property of public school supporters.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools.

Submission of question to vote of electors.

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Municipal Act* on money by-laws and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall pass the by-law and issue such debentures; and it shall not be necessary that the by-law shall be submitted to the electors for their assent.

Rev. Stat., c. 192.

Form and term of debenture.

(4) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in *The Municipal Act*. R.S.O. 1914, c. 266, s. 43 (1)-(4).

Rev. Stat., c. 192.

Where application is made by urban board and part of township attached.

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section, and where a by-law is submitted to the electors as provided in subsection 3, the vote shall be taken in the same manner as nearly as may be as at an election in a union school section consisting of an urban municipality and a portion of a township, but only those electors shall vote who are public school supporters qualified to vote on money by-laws under *The Municipal Act*. R.S.O. 1914, c. 266, s. 43 (5). *Amended*.

Where money borrowed proves insufficient.

(6) Where the amount provided by a by-law passed under the authority of this section proves insufficient for the purposes for which the by-law was passed the council may pass another by-law for borrowing the remainder of the money required for such purposes; and all the provisions of this section shall apply to the application for the issue of debentures for the amount required, and to the passing of a by-law for that purpose. R.S.O. 1914, c. 266, s. 43 (6). *Amended*.

In Rural Sections.

Township school debentures.

43.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in the next preceding section the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem

deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers called for the purpose.

(2) The application for a loan for any of such purposes shall be made by the board of a union school section to the council of the municipality within which the school house or school site of such section is situate, and all debentures for the payment of the loan shall be issued by the corporation of such municipality.

To what council applications for loans to be made.

(3) The application must be sanctioned by the ratepayers of the school section in the manner set forth in subsection 1.

Sanction by rate-payers.

(4) The corporation or corporations of any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest as it comes due according to its or their liability as determined by section 28.

Municipality forming part of union section to pay in proportion.

(5) The proportion of the moneys payable by the corporation of each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section.

How payable.

(6) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section.

Expenses of publishing by-laws.

(7) Notwithstanding any alterations which may be made in the boundaries of a section the taxable property of the public school supporters situate therein at the time when such loan was effected shall continue to be liable for the rate which may be levied for the repayment of the loan. R.S.O. 1914, c. 266, s. 44.

Liability for loan where boundaries altered.

44.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a school house, or an addition thereto, or a teacher's residence.

School property may be paid for by one special rate.

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. R.S.O. 1914, c. 266, s. 45.

Council not to levy more than one rate except in certain cases.

School corporations may borrow surplus moneys.

45. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution for any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. R.S.O. 1914, c. 266, s. 46.

RATES.

Councils to levy sums required by trustees.

46.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality, or of the sections in the case of rural schools, in the manner provided in this Act, and in *The Municipal Act*, and *The Assessment Act*, such sums as may be required by the board for school purposes; and shall pay the same to the treasurer of the board from time to time as may be required by the board. R.S.O. 1914, c. 266, s. 47 (1).

Rev. Stat., cc. 192, 195.

Rates in union sections.

(2) In the case of a union school section formed of parts of townships, the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section. R.S.O. 1914, c. 266, s. 93 (4).

And to account for same.

(3) Every municipal council shall annually account for all moneys collected for public school purposes, including any sum which has been collected in excess of the sums disbursed, on account of the public school or schools within such municipality or section, and shall pay over the same to the school board of the municipality or of the section. R.S.O. 1914, c. 266, s. 47 (2), (3).

Additional grants for school purposes.

47.—(1) In addition to any sums which the council of a municipality may be bound to levy and collect under any section of this Act, the council of any municipality may make grants as it may deem expedient for the purposes of public schools within the municipality, and may assess, levy and collect the sums required to pay the same by general rate upon all taxable property of public school supporters in the municipality. R.S.O. 1914, c. 266, s. 47 (4). *Amended.*

(2)

(2) The purposes for which the rate mentioned in sub-section 1 may be raised shall include, but shall not be limited to, the establishment and maintenance of school corporations, aiding new or weak schools, or continuation schools or fifth classes in the municipality, or the supplementing of teachers' salaries or retiring allowances. 9 Geo. V, c. 73, s. 11.

Purposes for which aid may be granted.

48. Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. R.S.O. 1914, c. 266, s. 47 (5).

Correction of errors in collection of rates in previous years.

49. Where in any municipality there are persons entered on the assessment roll as public school supporters and there is no public school to which public school rates levied by the council of the municipality can be applied, there shall be assessed, levied, and collected annually upon the property of all persons assessed as public school supporters in such municipality, a rate equal to the average public school rate levied in the county for boards of public school trustees of villages, and of towns not separated from the county and of school sections, and the moneys so raised shall be set apart or invested by the council of the municipality in the manner provided by section 309 of *The Municipal Act*. 9 Geo. V, c. 73, s. 12.

Levying school rate where there is no public school in a municipality.

RURAL SCHOOL SECTIONS.

50.—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number.

School sections in townships.

(2) Where the land or property of any person is situate within the limits of two or more sections the parts so situate shall be assessed and returned upon the assessment roll separately according to the divisions of the school sections within the limits of which the same are situate.

Assessors to value lands situate in each section.

(3) No section shall be formed which contains less than fifty children between the ages of five and twenty-one years whose parents or guardians are residents of the proposed section unless such proposed section is more than four square miles in area, provided that a smaller area, although it con-

tains

tains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed.

Township clerk to prepare maps of school sections.

(4) Every township clerk shall prepare in triplicate a school map of the township showing the divisions of the township into school sections and parts of union school sections; and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the first day of December, to the local inspector information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. R.S.O. 1914, c. 266, s. 48.

RURAL SCHOOL TRUSTEES.

Trustees to be corporation.

51.—(1) The trustees of every rural school section shall be a corporation by the name of "The Public School Board of Section No. of the Township of in the County of " (*inserting the number of the section and the names of the township and county*).

Trustees, term of office of.

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected. R.S.O. 1914, c. 266, s. 49 (1), (2).

Trustees, qualification of.

(3) The persons qualified to be elected trustees shall be such persons as are British subjects, of the full age of twenty-one years, not disqualified under this Act, and who are—

(a) Resident ratepayers; or

(b) The husbands, wives, sons, daughters, brothers and sisters of persons assessed as actual owners of farms where such husbands, wives, sons, daughters, brothers, or sisters are resident on the farm with the persons so assessed.

and no person not so qualified shall be elected or competent to act as trustee. 9 Geo. V, c. 76, s. 2, *amended*.

(4) For the purposes of subsection 3, "farm" shall mean ^{"Farm,"} not less than twenty acres of land in the actual occupation ^{meaning of.} of the owner thereof. (*New.*)

52.—(1) At the first election in every new section the first ^{Elections} trustee elected shall hold office for three years, the second for ^{in new} two years, and the third for one year; or in case of a poll ^{sections.} being taken the trustee receiving the highest number of votes shall hold office for three years; the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

(2) Where two or more trustees have received an equal ^{Casting} number of votes the chairman shall give a casting vote or ^{vote.} votes.

(3) The first year in each case shall be deemed to com- ^{When first} mence at the date of such first election and extend till the date ^{year to be} fixed by this Act for holding the second annual meeting of ^{deemed to} ratepayers thereafter. R.S.O. 1914, c. 266, s. 50. ^{commence} ^{and end.}

53. A school corporation shall not cease to exist by reason ^{Corporation} of the want of trustees, but if there are no trustees any two ^{not to cease} electors of the section, or the inspector, by giving six days' ^{by want of} notice to be posted up in at least three of the most public ^{trustees.} places of the section, may call a meeting of the electors who shall elect three trustees in the manner prescribed by this Act. R.S.O. 1914, c. 266, s. 51.

54.—(1) Where the electors of a section for two years ^{Council} neglect or refuse to elect trustees the council of the township ^{may ap-} may appoint trustees for the section, one for three years, one ^{point} for two years, and the third for one year, to be reckoned from ^{trustees} the date upon which the last election should have been had ^{when no} by the electors, and may fill the vacancies on the board so ^{election.} long as the electors neglect to do so.

(2) Instead of appointing trustees the council may by ^{Dissolution} by-law declare the section dissolved and attach the same, in ^{of school} such proportions as they may deem expedient, to adjoining ^{section} sections, and the assets of the section shall be disposed of as ^{on non-} may be determined by the judge of the county or district ^{election of} court of the county or district in which the school is situate, ^{trustees.} the inspector, and one other person to be named by them, ^{Disposal of} whose direction or the direction of a majority of them as to ^{assets at} the disposition of the assets shall be carried out by the ^{dissolution} council. R.S.O. 1914, c. 266, s. 52. ^{of section.}

MEETINGS OF SCHOOL ELECTORS.

Annual
meeting,
when held.

55.—(1) A meeting of the electors of every section for the purpose (among other things) of electing trustees shall be held annually on the last Wednesday in December, commencing at the hour of ten o'clock in the forenoon, or if the board by resolution so directs at the hour of eight o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution at the school house of the section. R.S.O. 1914, c. 266, s. 53 (1); 7 Geo. V, c. 27, s. 42.

Proceed-
ings on
formation
of new
school
section.

(2) Where a new section is formed the clerk shall fix the place for the first meeting and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held.

Time and
conduct of
meeting.

(3) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

Procedure
after elec-
tion of
trustees
in new
section.

(4) At any time after the election of trustees in a new school section proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment.

Meeting
to be
called in
default of
first or
annual
meeting.

(5) When any school meeting has not been held at the proper time the inspector, or any two electors in the section, may call a meeting of the electors by giving six clear days' notice to be posted up in at least three of the most public places in the school section; and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Organiza-
tion of
meeting.

(6) The electors present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

Chairman,
duties of.

(7) The chairman shall submit all motions to the meeting in the manner desired by the majority and shall be entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order subject to an appeal to the meeting.

(8) The business of every school meeting may be conducted ^{Order of business.} in the following order:—

- (a) Receiving the annual report of the trustees and disposing of the same;
- (b) Receiving the annual report of the auditor and disposing of the same;
- (c) Electing an auditor for the ensuing year;
- (d) Miscellaneous business;
- (e) Instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;
- (f) The election of trustees. R.S.O. 1914, c. 266, s. 53 (2)-(8).

VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION.

56.—(1) Every person who is a ratepayer in a rural school section and every other person who is qualified to vote ^{Qualification of voters.} at municipal elections and who resides in the rural section and is not a supporter of separate schools, shall be entitled to vote at an election of trustees in the section and on every question submitted to a school meeting except a question involving expenditure of money on capital account.

(2) On a question involving the expenditure of money ^{When only ratepayers to vote.} on capital account only such persons as are ratepayers in the school section shall be entitled to vote. (*New.*)

(3) A person who is not a British subject, or who is a citizen or subject of any foreign country shall not be entitled ^{Persons not British subjects excluded.} to vote at an election of school trustees in a rural school section or upon any school question.

57.—(1) A poll may be demanded by any two electors ^{Granting poll.} at a meeting for the election of trustees or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

(2) Where a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, ^{Proceeding in case of a poll.} the names of the candidates proposed and seconded, and shall write

write therein the names and residences of the electors offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name.

Poll-book.

(3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked respectively "for" and "against"; and shall write therein the name and residence of each person voting on the question; and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the question. R.S.O. 1914, c. 266, s. 54 (1)-(3).

When voter
is objected
to.

(4) If objection is made to the right of any person to vote the chairman, if the name of such person appears on the assessment roll or on Part I or Part II of the Voters' List, shall require such person, where he votes as a ratepayer, to make the following declaration:—

Declaration
by voter.

(1) I, A. B., declare and affirm that I am an assessed ratepayer, in school section No. —;

(2) That I am of the full age of twenty-one years;

(3) That I am a natural born (*or* naturalized) subject of His Majesty; and am not a citizen or subject of any foreign country;

(4) That I am a supporter of the public school in said school section No. —;

(5) That I have a right to vote at this election;

or shall require such person where he votes as an elector who is not a ratepayer to make the following declaration:—

(1) I, A. B., declare and affirm that I am entered on the assessment roll (*or* voters' list) of this municipality as entitled to vote at municipal elections;

(2) That I am of the full age of twenty-one years;

(3) That I am a natural born (*or* naturalized) subject of His Majesty, and am not a citizen or subject of any foreign country;

(4) That I am not a supporter of any separate school;

(5) That I have been a resident of this school section for the six months last past;

(6) That I have a right to vote at this election.

After

After making such declaration the person making it shall be entitled to vote. R.S.O. 1914, c. 266, s. 54 (4); 8 Geo. V, c. 52, s. 1.

(5) The poll shall not close before noon but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than four o'clock in the afternoon. R.S.O. 1914, c. 266, s. 54 (5). When poll shall close.

(6) When the meeting is held in the evening the electors may decide, by resolution, that the poll shall be conducted forthwith or at ten o'clock on the following morning; and if conducted in the evening the poll shall close after ten minutes has elapsed without any vote being recorded. R.S.O. 1914, c. 266, s. 54 (6); 7 Geo. V, c. 27, s. 44. Polling at evening meeting.

(7) When the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote. Counting votes—casting vote.

(8) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same. Declaration of result.

(9) A correct copy of the minutes of every school meeting and a copy of the poll-book where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector. Copy of minutes and of poll-book for inspector.

(10) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election. Acceptance of office by trustees.

(11) Where complaint is made to the inspector by an elector that the election of a trustee, or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the inspector shall investigate the complaint, and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for Complaints as to elections.

a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby.

Clerk to supply list of school voters.

(12) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee or the proceedings of a school meeting. R.S.O. 1914, c. 266, s. 54 (7)-(12).

URBAN SCHOOL BOARDS.

Board to be a corporation.

58.—(1) Every board in urban municipalities shall be a corporation by the name of "The Public School Board," prefixing to the words "Public School Board" the name of the municipality for which the board is elected. R.S.O. 1914, c. 266, s. 55 (1).

Who may be elected trustees.

(2) Any ratepayer in an urban municipality who is a British subject, and who resides in the municipality, or in the case of a city, or town, within one mile from the boundaries of the municipality, and who is of the full age of twenty-one years and not disqualified, may be elected a public school trustee and every trustee except as otherwise herein provided, shall continue in office until his successor has been elected, and a new board organized, but no person who is not a British subject shall be elected or competent to act as trustee. 9 Geo. V, c. 73, s. 13.

First election of trustees.

59.—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, or a portion of a township or portions of two or more townships is or are incorporated as a town, the board having jurisdiction over the school property situate within such village or town before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality until a new election of trustees is held.

First meeting in newly incorporated village.

(2) Where an unincorporated village becomes incorporated the board shall call a meeting of the electors within one month after the date of the incorporation for the election of a new board.

(3) In calling the meeting the provisions of section 63 shall be complied with so far as the same are applicable. Procedure for calling meeting.
R.S.O. 1914, c. 266, s. 56.

[NOTE.—*As to elections in a union school section including an urban municipality and a portion of a township, see section 26.*]

Municipalities Divided into Wards.

60.—(1) For every ward into which an urban municipality is divided there shall be two trustees, each of whom shall, except as otherwise provided in this Act, continue in office for two years and until his successor has been elected and the new board organized. Trustees in city, etc., divided into wards.

(2) After the first election of trustees in any ward, or when from any cause the two trustees in any ward are elected simultaneously, one of them, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. R.S.O. 1914, c. 266, s. 57. Retirement by rotation.

Municipalities not divided into Wards.

61.—(1) The board of a town or village not divided into wards shall consist of six trustees each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized. Trustees in villages not divided into wards.

(2) After the first election three of the board, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other three for two years, and after the first election three trustees shall be elected annually. R.S.O. 1914, c. 266, s. 58. Retirement by rotation.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES.

62. Every person named in the last revised voters' list as being entitled to vote at municipal elections, and who is not a supporter of separate schools, shall be entitled to vote at the election of school trustees in urban municipalities. 8 Geo. V, c. 52, s. 2, *part*. Qualification of voters.

63.—(1) Subject to the provisions of section 61 elections of public school trustees in urban municipalities shall be held in the manner following:— Provisions for elections of trustees.

(a)

Nomina-
tions.

- (a) A meeting of the electors for the nomination of candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into wards in each ward thereof if the board so directs;

Returning
officer.

- (b) The board shall by resolution before the second Wednesday in December in each year name the returning officers to preside at the meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting;

Proceedings
at nomina-
tions.

- (c) If at such meeting only the necessary number of candidates are proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected and shall so notify the secretary; but if more candidates are nominated than are required to be elected the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next when a poll or polls shall be opened at such place or places, and in each ward where the municipality is divided into wards, as shall be determined by resolution of the board;

Hours of
polling.

- (d) The polls shall be opened at the hour of ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon when a full hour elapses without a vote having been polled;

Furnishing
voters' list
in cities
and towns
divided
into wards.

- (e) In urban municipalities and where township boards exist the clerk of the municipality shall furnish to the board, within three days after request in writing, "The Voters' List" of the municipality, together with a supplementary list either printed or in writing of the names of persons who are assessed as supporters of separate schools;

For each
polling
place.

- (f) The board shall provide each polling place with such lists, and a poll-book; and the returning officer or deputy returning officers, or the poll clerk, shall enter in such book in separate columns the names of the candidates nominated, and shall

shall write the names and residences of the electors offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter set the figure "1" opposite the voter's name;

Entries in poll-book.

- (g) When an objection is made to the right of a person to vote the returning officer or deputy returning officer shall require such person to make the following oath:—
- Oath to be administered when voter objected to.

You swear (or solemnly affirm) that you are the person named (or intended to be named) in the list of voters now shown to you (showing the list to voter);

Form of oath.

That you are of the full age of twenty-one years;

That you are a public school supporter [or in the case of an elector who is not assessed as a ratepayer: That you are a resident in this municipality and are not a supporter of separate schools];

That you are a natural-born or naturalized subject of His Majesty, and that you are not a citizen or subject of any foreign country;

That you have not before voted for school trustee at this election, at this or any other polling place in this ward (or in this municipality *where the municipality is not divided into wards*) for school trustee;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

And after making such oath the person making it shall be entitled to vote;

- (h) The returning officer or deputy returning officer shall, on the day after the close of the election, return the poll-book to the secretary with his solemn declaration thereto annexed that the poll-book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer or deputy returning officer;
- Duty of returning officer after close of election.

- (i) The secretary shall add up the number of votes for each candidate as appears from the poll-book so returned,
- Duty of secretary.

returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them;

Casting
vote.

- (j) When the result of the polling is indecisive by reason of two or more candidates having an equal number of votes all of such candidates shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election. R.S.O. 1914, c. 266, s. 60; 8 Geo. V, c. 52, ss. 3, 4.

Open
voting
where elec-
tion by
wards.

- (2) Where trustees are elected by wards in the case of a town divided into wards, or in the cases provided for in subsection 4 of section 65, and the election of trustees is not by ballot, it shall be conducted as nearly as may be in accordance with the provisions of subsection 1. R.S.O. 1914, c. 266, s. 62 (6).

ELECTION BY BALLOT.

Elections of
trustees on
same day
as municipal
elections.

- 64.**—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such urban municipality or township to be held by ballot on the same day as municipal councillors or aldermen are elected as the case may be.

Trustees
may dis-
continue use
of ballot
at elections.

- (2) Any such board may in like manner discontinue the use of the ballot on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 63.

Ballot not to
be discon-
tinued or
resumed for
three years
after the
change.

- (3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time then the provisions of section 63 shall apply for a period of three years at least after such discontinuance.

Mode of con-
ducting
elections
by ballot.

- (4) Where notice is given requiring the election to be held by ballot such election shall thereafter be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations

tions and elections of aldermen or councillors, and the provisions of *The Municipal Act*, respecting the time and manner of holding the election, including the mode of receiving nominations for office, and the resignation of persons nominated, vacancies, and declarations of qualification and office, shall *mutatis mutandis* apply to the election.

Rev. Stat.,
c. 192.

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter. R.S.O. 1914, c. 266, s. 61.

Form of
ballot
papers.

65.—(1) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

Election of
trustees
where
wards
abolished.

(2) When such resolution has been adopted the election shall thereafter be by vote of the electors of the whole municipality.

By vote of
electors of
whole muni-
cipality.

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation. R.S.O. 1917, c. 266, s. 62 (1)-(3).

Retirement
of trustees
by rotation.

Filling
vacancies.

(4) In a city having a population of 20,000 or over, and until a resolution has been passed under subsection 1, in a city having a population of less than 20,000, and in a town, the trustees shall continue to be elected by wards notwithstanding that aldermen and members of the council are elected by general vote and not by wards. 9 Geo. V, c. 73, s. 15.

Election of
trustees
by wards in
certain
cities and
towns.

(5) Where the trustees are elected by ballot the election shall be conducted as nearly as may be in the manner provided in section 64, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town. R.S.O. 1914, c. 266, s. 62 (5).

Vote by
ballot.

[NOTE.—As to elections in a union school section including an urban municipality and a portion of a township, see section 26.]

VACANCIES ON BOARD.

Vacancy in
office of
trustee.

66.—(1) Where the office of trustee becomes vacant from any cause, the remaining trustees shall, except as provided in subsection 2, forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Special
case.

(2) In the case of an urban municipality if such vacancy occurs within three months of the expiry of the term of office the remaining trustees may allow the office to remain vacant until the next ensuing annual election. R.S.O. 1914, c. 266, s. 63 (1), (2).

Appointment
of trustees
on failure of
qualified
persons.

(3) Where the inspector reports that no persons duly qualified are available, the Minister may appoint as members of the board such persons as he may deem proper, and the persons so appointed shall have all the authority of a board as though they were eligible and duly elected according to the provisions of the Act. 7 Geo. V, c. 27, s. 45.

CONTROVERTED ELECTIONS.

Investiga-
tion of
complaints
by judge.

67.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the judge of the county or district court within twenty days after such election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll-books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit and may cause such persons as he may deem expedient to appear before him and give evidence.

Powers of
judge.

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed; and if the judge determines that any other person was duly elected he may order such person to be admitted; and if the judge determines that no person was duly elected he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. R.S.O. 1914, c. 266, s. 64.

Bribery
and undue
influence.

Rev. Stat.,
c. 192.

68. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established the provisions of *The Municipal Act*, as to bribery and undue influence shall apply, and in every case in which

which an election is complained of on those grounds the enquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1914, c. 266, s. 65.

RESIGNATIONS.

69.—(1) A trustee of a rural section may resign by giving notice in writing to each of the other trustees. Trustees
may resign.

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee, notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected. Re-election
of any
trustee
lawful.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary. Urban
trustee
may resign.

(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may with his own consent be re-elected. R.S.O. 1914, c. 266, s. 66. Trustees
resigning
but continu-
ing to act.

MEETINGS OF BOARDS.

70.—(1) Every urban board shall hold its first meeting in each year on the third Wednesday in January at the hour of seven o'clock in the evening or at such other hour on the same day and at such place as may have been fixed by resolution of the former board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality. First meet-
ing of
board.

(2) The secretary shall preside at the election of chairman, or, if there is no secretary or in his absence, the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member. Chairman.

(3) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote. Casting
vote.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting and a vote of the majority of such quorum shall be necessary to bind the corporation. Quorum.

(5) On every question other than the election of a chairman the chairman or presiding officer of the board may vote with the other members of the board, and any question on which Equality
of votes.

which there is an equality of votes shall be deemed to be negatived. R.S.O. 1914, c. 266, s. 67.

Organiza-
tion of
board at
first
meeting.

71.—(1) Subject to the provisions of subsection 4 of section 55, every rural school board shall hold its first meeting in each year at the school house of the section on the Wednesday following the annual meeting at the hour of 4 o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer.

Subsequent
meetings.

(2) Subsequent meetings shall be held at such time and place as the board may deem expedient.

Quorum.

(3) The presence of a majority of the members constituting a board shall be necessary to form a quorum. R.S.O. 1914, c. 266, s. 68.

Regularity
of pro-
ceedings.

72. No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. R.S.O. 1914, c. 266, s. 69.

NON-RESIDENT PUPILS.

Admission
of non-
resident
pupils.

73.—(1) The board shall admit to the school any non-resident pupil who resides nearer to such school than to the school in his own section if the inspector reports that the accommodation is sufficient for the admission of such pupil, and in case of dispute as to distance the decision of the inspector shall be final.

Fees of non-
resident
pupils.

(2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees, together with the taxes, if any, paid by the parent or guardian to such school, shall not exceed the average cost per pupil of the maintenance of the school.

A resident
of one
section
sending
his chil-
dren to
another
section.

(3) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section in which he resides, but the board of that section may remit the whole or any part of such rates, not exceeding the amount of the fees paid to the board of the neighbouring section.

Attendance
of children
of non-
residents.

(4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public

school

school of the section on the same terms and conditions as the children of residents.

(5) Where the children attending a neighbouring section reside three miles or more by the nearest public road from the school house in the section to which they belong the board of the section in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring section.

Remission of school tax where certain fees paid.

(6) A person of school age maintained in a county house of refuge shall be deemed to be a non-resident and the county council shall pay to the board of the school attended by such person such monthly fees as may be agreed upon, or at least the average cost per pupil of the maintenance of the school. R.S.O. 1914, c. 266, s. 70.

Pupils in house of refuge.

74.—(1) The electors of a rural section may by resolution at the annual or any special meeting authorize the board to provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 95 and 96.

Providing for admission of pupils from rural school section to urban or Indian schools.

(2) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section and to pay for the conveyance of the pupils to and from such schools, and also such other sums as they may deem expedient or as may be required by this Act. R.S.O. 1914, c. 266, s. 71 (1), (2).

Payment of fees and expenses of conveying pupils to and from school.

(3) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 1 of section 95 and subsections 1 and 2 of section 96, to be levied, collected and applied to teachers' salaries.

Expenses payable by township.

Share of grants.

(4) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. R.S.O. 1914, c. 266, s. 71 (4), (5).

Agreement between school board of city and board of contiguous rural section for joint use of rural school.

75.—(1) The board of education or board of public school trustees in any city may agree with the board of public school trustees of a school section adjacent to the boundaries of the city for the erection, equipment and maintenance by either of the boards, of a school in the school section for the joint accommodation of pupils from the school section and from any designated area in the city contiguous to the section.

Terms of agreement.

(2) The agreement shall fix the location of the school, the class of building to be erected, the accommodation to be provided and the proportion of the cost of erecting and maintaining the school to be contributed by the city and the rural school section respectively.

Estimates of urban board to include cost.

(3) The board of education or board of public school trustees of the city and the board of public school trustees of the school section shall each include in its annual estimates an amount sufficient to pay its proportion of such cost, and the same shall be levied, collected and paid over by the corporation of the city and by the corporation of the township as part of the rate levied for public school purposes in the city and in the public school section.

Agreement to be approved by Minister.

(4) The agreement shall not be binding or be acted upon until it has received the approval in writing of the Minister.

Matters consequent upon annexation of section to city.

(5) If after the agreement has been entered into the rural school section or the part thereof in which the school is situate is annexed to the city, the school site and buildings and property used in connection therewith shall vest in the board of education or board of public school trustees of the city, and all payments made by such board towards acquiring a site, erecting buildings or making permanent improvements shall be taken into consideration in fixing the amount to be paid by the board for the school.

Regulations. Rev. Stat., c. 265.

(6) The Minister may make regulations in the manner provided by *The Department of Education Act*, for the apportionment of the legislative and municipal grant in the case of schools to which this section applies, and may fix the proportion which shall be paid on account of any such school out of the legislative grant for rural and urban schools respectively, and the proportion of the municipal grant to rural schools which shall be paid on account of such school. R.S.O. 1914, c. 266, s. 72.

DUTIES OF TRUSTEES.

76. It shall be the duty of the boards of all public schools ^{Duties of board.} and they shall have power:

- (a) To appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the ^{Appointment of officers.} board, and to appoint such committees, officers and servants as may be deemed expedient;
- (b) To fix the time and place of meetings of the board, ^{To fix meetings of the board.} the mode of calling and conducting them, and of keeping a correct account of the proceedings of such meetings and to transmit to the Minister all returns and reports required by the Regulations;
- (c) In the case of a rural school board at the first meeting of the board to examine the school house, out-buildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing some person for that purpose; ^{Inspection of school property at first meeting of board.}
- (d) To provide adequate accommodation for all children ^{To provide accommodation.} between the ages of five and sixteen years resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included; ^{Rev. Stat., c. 270.}
- (e) To acquire or rent school sites and premises, and to build, repair, furnish and keep in order the school houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition; ^{To provide and maintain school premises.}
- (f) To procure registers, maps, globes, apparatus and, if deemed expedient, prize books, and to establish and maintain school libraries; ^{To procure books and appliances.}
- (g) To determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the ^{To determine number and kind of schools, etc.}

terms on which they are to be employed and their remuneration and rank, whether principals or assistants;

To keep school open and establish classes, etc.

- (h) To keep open each school during the whole period of the school year, except where it is otherwise provided by this Act, and if deemed expedient to establish kindergartens and classes for industrial training and instruction in household science; and establish school gardens and summer or vacation schools;

Rural school—reporting deaf, dumb and blind.

- (i) In the case of a rural school board, to ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb and who would otherwise be required to attend the school under their charge;

Dental and medical inspection.

- (j) To provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or, in the absence of Regulations, as the board may deem proper, but this clause shall not apply to the board of education of a city having a population of over 200,000;

Dismissal of refractory pupils.

- (k) To expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils;

Books and school supplies.

- (l) If deemed expedient to purchase for the use of pupils text-books and other school supplies; and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof;

Exemption of indigent persons from school rates.

- (m) If deemed expedient to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption on or before the first day of August, and where deemed necessary to provide for the children of such person text-books and other school supplies at the expense of the board;

Urban boards to pay officials and maintenance expenses.

- (n) To provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors, and other officers and employees of the board, repairs

to

to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board;

- (o) To submit to the municipal council, on or before the first day of August or at such time as may be required by the council, an estimate for the current year of the expenses of the schools under their charge; To lay before council estimates for moneys.
- (p) To provide, in the case of rural schools, for the payment of a secretary's and teachers' salaries monthly and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose until the taxes imposed therefor are collected; Payment of teachers' salaries.
- (q) To submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors whose duty it shall be to audit the same, and to publish as soon as the audit is made in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors with their findings and recommendations; To publish auditors' report.
- (r) To take possession of all property acquired or given for public school purposes and to hold the same according to the terms on which it was acquired or given; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act; Custody and disposal of school property.
- (s) To supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers; Supplementing superannuation allowances.
- (t) To execute the agreement with each teacher required by subsection 1 of section 90, and to procure the execution thereof by the teacher before he enters upon his duties; Execution of teachers' agreements.

Use of
school
house.

- (u) To permit the school house and premises to be used for any educational or other lawful purposes which may be deemed proper, provided the proper conduct of the school is not interfered with;

Evening
lectures.

- (v) If deemed expedient and subject to the Regulations to establish, conduct and maintain free lectures open to the public, and to include in their estimate for the current year the expense thereof;

Dismissal
of secre-
tary or
treasurer.

- (w) If deemed expedient to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy;

Penny sav-
ings banks.

- (x) If deemed expedient to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a penny savings bank, or any system introduced for the encouragement of thrift and the habit of saving. R.S.O. 1914, c. 266, s. 73; 7 Geo. V, c. 57;

Providing
surgical
treatment
for children
in certain
cases

- (y) If deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and (where a school nurse or medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parent or guardian of such child.

Employing
teachers in
charitable
institutions.

77. The board of a city, when so requested in writing by a charitable organization having the charge of children of school age, in the city or in any contiguous municipality, may employ teachers for such children and may furnish for their use all school supplies and such children shall be considered public school pupils and shall be subject to the provisions of this Act. R.S.O. 1914, c. 266, s. 74; 9 Geo. V, c. 73, s. 16.

Grant for
encourage-
ment of
physical
training.

78.—(1) An urban board may expend such sums as it may deem expedient for establishing and maintaining cadet corps and in promoting and encouraging gymnastics and other athletic exercises but such sums shall not exceed \$200 per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each additional thousand in attendance.

Military
uniforms.

(2) The board may also provide uniforms for classes in military drill.

(3)

(3) Where a board of education has been established in any city or town the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. R.S.O. 1914, c. 266, s. 75. Consolidation of funds for games.

79. The board may pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario. R.S.O. 1914, c. 266, s. 76. Travelling expenses attending teachers' association.

DUTIES OF TREASURER.

80.—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality. Security to be given by secretary-treasurer.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money. Trustees not to be sureties.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. R.S.O. 1914, c. 266, s. 77. Duties.

DUTIES OF SECRETARY.

81. It shall be the duty of the secretary:

(a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting; Duties of secretary. Minutes of meetings.

(b) To call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the same; Calling special meetings.

(c) In the case of a rural section to give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the municipality of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes; Names and addresses of trustees and teachers to be given to township clerk.

(d) In the case of a rural section to give the notice required by this Act of each annual meeting of the ratepayers of the section; to call a special meeting of the ratepayers when directed by the board Notice of annual meeting and meetings to fill vacancies in board, or etc.

Report at
annual meet-
ing.

or on the request in writing of five electors for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor or for any other lawful school purpose; to cause notices of the time and place, and of the objects of such meeting, to be posted up in three or more public places in the section at least six clear days before the time of holding such meeting; and to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the Regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

Annual and
semi-
annual
returns.

- (e) To transmit to the inspector all returns on or before the fifteenth day of January in each year according to the forms prescribed by the Regulations. R.S.O. 1914, c. 266, s. 78.

Compensa-
tion of
secretary-
treasurer.

82. Where the secretary of a rural school section is not a member of the board he may be allowed such remuneration for his services and for attending to the repairs of the school house or premises as shall be fixed by the trustees, and where he is a member of the board he may be allowed compensation for his services as provided in subsection 3 of section 121. R.S.O. 1914, c. 266, s. 79.

AUDITORS OF RURAL SECTIONS.

Auditors.

83.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting and the other appointed by the board on or before the first day of December in each year.

Filling
vacancies.

(2) Where an auditor refuses or is unable to act or dies another may be elected or appointed in his place.

Appoint-
ment by
inspector.

(3) If from any cause at any time after the first day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Trustees
and sec-
retary-
treasurer
to lay
accounts,
etc., before
auditors.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer

and

and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures which the auditors or either of them may require.

(5) The auditors, or one of them, shall on or immediately ^{Time of audit.} after the first day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

(6) There shall be two auditors for every consolidated ^{Auditors for consolidated school.} school, one of whom shall be appointed by the trustees and the other by the inspector. R.S.O. 1914, c. 266, s. 80.

84.—(1) It shall be the duty of the auditors to examine ^{Duties of auditors.} into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.

(2) Any difference of opinion between the auditors on any ^{Differences between auditors.} matter in the accounts shall be decided by the inspector. R.S.O. 1914, c. 266, s. 8 (1), (2).

(3) If both auditors object to the lawfulness of any expen- ^{Report of objections.} diture they shall report the matter to the annual meeting, and shall submit it to the Minister whose decision shall be final. R.S.O. 1914, c. 266, s. 81 (3) *amended*.

85. The auditors or either of them may require the attend- ^{Powers of auditors.} ance of all persons interested in the accounts, and of their witnesses, with such books, papers, and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. R.S.O. 1914, c. 266, s. 82.

86. An auditor who has entered upon an audit may com- ^{May complete audit after time prescribed.} plete the same although he has not done so within the time prescribed by this Act. R.S.O. 1914, c. 266, s. 83.

DUTIES OF TEACHERS.

87. It shall be the duty of every teacher:

- (a) To teach diligently and faithfully the subjects in the ^{Instruction and discipline.} public school course of study as prescribed by the Regulations; to maintain proper order and discipline in the school; to encourage the pupils in the pursuit of learning; to inculcate by precept and example, respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

(b)

Use of
English
language.

- (b) To use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book;

Duties in
and about
the school
house,
registers,
etc.

- (c) To see that the school house is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon; to call the roll every day according to the register prescribed by the Regulations; to enter in the visitors' book visits made to the school; to give the inspector, trustees and visitors access at all times to the register and visitors' book; and to deliver the register, the school-house key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased;

Classifica-
tion of
scholars
and conduct
of classes.

- (d) To classify the pupils according to the courses of study prescribed by the Regulations; to conduct the school according to a time-table accessible to pupils and visitors; to prevent the use by pupils of unauthorized text-books in the school; to attend regularly the teachers' institutes in the inspectorate; to notify the board and the inspector of his absence from school and of the cause thereof; and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient;

Examina-
tions.

- (e) To hold closing exercises of the school and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils to their parents or guardians, and to hold such examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the inspector may direct;

Informa-
tion for
Minister
and
Inspector.

- (f) To furnish to the Minister and to the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the Regulations;

(g)

- (g) To give assiduous attention to the health and comfort of the pupils; to the cleanliness, temperature and ventilation of the school house; to the care of all maps, apparatus and other school property; to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, or the unsanitary condition of the school house, outhouses or surroundings; Care of health of pupils. Preservation of school property.
- (h) To refuse admission to the school of any pupil who he believes is affected with or exposed to chicken-pox, smallpox, cholera, glanders, scarlet fever, scarlatina, diphtheria, whooping cough, measles, mumps or other infectious or contagious disease, or consumption until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed; Infectious diseases among pupils.
- (i) To suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension. Disciplinary powers.
R.S.O. 1914, c. 266, s. 84, *amended*.

88. A teacher who refuses to deliver to the board any visitors' book, school register, school-house key or any other school property in his possession shall not be a qualified teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. R.S.O. 1914, c. 266, s. 85. Refusal to give up key, etc.

CHANGE OF AUTHORIZED TEXT-BOOKS.

89. An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the Regulations. R.S.O. 1914, c. 266, s. 86. Change of text-book.

AGREEMENTS.

Valid agree-
ments with
teachers.

90.—(1) Every agreement between a board and a teacher shall be in writing signed by the parties thereto and sealed with the seal of the board.

Qualified
teacher
defined.

(2) No person shall be employed or act as a teacher unless he holds a certificate of qualification.

Proportion
of salary
to which
teacher
entitled.

(3) Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Case of
sickness
or dental
treatment.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery, but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the board without a certificate.

Protection
of teachers
in regard
to salary.

(5) If at the expiration of a teacher's engagement his salary has not been paid in full the salary shall continue to run at the rate mentioned in the agreement until paid, if an action to recover it is commenced within three months after the salary is due and payable.

Provision
in case of
difference
between
teacher
and
trustees.

(6) All matters of difference between boards and teachers in regard to salary or other remuneration whatever may be the amount in dispute shall be determined in the division court of the division where the cause of action arose, subject to appeal, as provided by this Act.

When judge
may relieve
board from
extra
liability.

(7) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not so in dispute, the judge may relieve the board from the liability imposed by subsection 5, in whole or in part. R.S.O. 1914, c. 266, s. 87.

TEACHERS' CERTIFICATES.

Several
classes of
certificates.

91.—(1) Any British subject of good moral character and physically fit to perform the duties of a teacher, may be awarded a certificate of qualification as a teacher upon passing the examinations prescribed by the Regulations. R.S.O. 1914, c. 266, s. 88 (1), *amended*.

(2)

(2) Certificates granted before the 15th day of February, 1871, shall remain in force according to the terms of the Act under which they were granted. Former certificates continued.

(3) First-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall be valid throughout Ontario during good conduct. First-class valid.

(4) Second-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall, if the holders thereof have taught for ten years in Ontario, be valid during good conduct within the territory for which they were granted. Second-class valid.

(5) All other certificates shall be valid for such periods as the Regulations prescribe. R.S.O. 1914, c. 266, s. 88 Term of certificates generally.
(2)-(5).

(6) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the Regulations or for wilful neglect or refusal to carry out his agreement with a board, and he shall give notice in writing to the Minister, to the board concerned and to the teacher of such suspension and of the reasons therefor. Suspension of certificate for misconduct, etc.

(7) The teacher may appeal to the Minister who may make such order or orders with regard to the suspension as he deems proper. R.S.O. 1914, c. 266, s. 88 (6), (7). Appeal to Minister.

TEACHERS' INSTITUTES.

92.—(1) Subject to the Regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods. Organization of teachers' institutes.

(2) The Minister may out of any money appropriated for that purpose apportion \$25 to each teachers' institute so organized and conducted according to the Regulations where the number of teachers in an inspectorate or united inspectorate is one hundred or less, and where it is more than one hundred, \$25 for each additional one hundred or portion thereof, and the council of each county, city, or separated town, or town in territory without county organization shall pay annually to the president of each teachers' institute established within such county, city, or town a sum at least equal to the amount so apportioned. Aid to teachers' institutes by the Legislature and equivalent from municipalities.

(3) If the teachers in an inspectorate composed of a city and part of a county are united in one teachers' institute, the City and county sharing.
corporation

corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates.

In the districts.

(4) In territory without county organization the Minister may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution. R.S.O. 1914, c. 266, s. 89.

LEGISLATIVE AND MUNICIPAL GRANTS.

Who to be sub-treasurer.

93.—(1) With respect to all moneys received by him from the county treasurer a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by by-law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

Treasurers of cities and separated towns to receive grants.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board.

Responsibility of treasurer and sureties.

(3) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county, city or town, as the case may be, and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties in case of default on his or their part. R.S.O. 1914, c. 266, s. 90.

County treasurer to pay legislative grant to township treasurers.

94.—(1) The treasurer of every county except where he acts as sub-treasurer also shall pay to the treasurer of every township within the county the legislative grant apportioned to the rural public and separate schools within the township.

Township treasurer's duties as to grants.

(2) The township treasurer shall pay to the boards of the rural public and separate schools within the township the amount of the legislative grant apportioned to such schools respectively.

Where county treasurer is sub-treasurer.

(3) Where the county treasurer acts as sub-treasurer also he shall perform the duty which is by subsection 2 to be performed by a township treasurer.

Statement to be sent with grant.

(4) A statement showing the amount of the legislative grant apportioned to the school shall be sent to every board by the sub-treasurer or the township treasurer as the case may be.

(5) The payments to the boards under this section shall be made on the warrant of the proper inspector. R.S.O. 1914, c. 266, s. 91. Payment on inspector's warrant.

95.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, including portions of union school sections and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned. County rate in aid of schools.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned. County to raise equivalent to legislative grant for fifth classes.

(3) In case of a union school section composed of parts of two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsection 1 which bears the same ratio to that sum as the assessed value of the part of the section in the county bears to the assessed value of the whole section, such assessed value to be according to the last revised assessment rolls of the local municipalities in which the section is situate. Apportionment where section in two or more counties.

(4) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county. R.S.O. 1914, c. 266, s. 92. Apportionment of school moneys in united counties.

96.—(1) The council of each township in a county shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, at least the sum or sums set forth below for every public school where a teacher or a principal teacher is engaged for two consecutive terms and the additional sums set forth below where an assistant teacher is engaged for two consecutive terms:—

(a)

- (a) Where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in such a township is at least equal to an average assessment of \$100,000 for each section therein, the sum of \$600 at least for every principal teacher and the additional sum of at least \$400 for every assistant teacher;
- (b) Where such assessed value is at least equal to an average assessment of \$60,000, but is less than an average assessment of \$100,000, for each section, at least \$500 for each principal and \$350 for each assistant;
- (c) Where such assessed value is at least equal to an average assessment of \$40,000, but is less than an average assessment of \$60,000, the sum of \$400 at least for each principal and \$300 for each assistant;
- (d) Where such assessed value is at least equal to an average assessment of \$30,000 but is less than an average assessment of \$40,000, the sum of at least \$300 for each principal and \$200 for each assistant;
- (e) Where such assessed value is below an average assessment of \$30,000 the sum of at least \$150 for each principal and \$100 for each assistant teacher;
- (f) Where a teacher or principal teacher is engaged for one school term or longer, but for less than two consecutive school terms, a proportionate amount of the sums set forth above shall be levied and collected for every principal and every assistant teacher. (*New.*)

In town-
ships in the
districts.

(2) In a township in territory without county organization, whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of \$150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate part of such sum where a teacher or principal teacher is engaged for one school term or longer, and an additional sum of at least \$100 for every assistant teacher engaged for two consecutive school terms, and a pro-

portionate

portionate amount of such sum where such assistant teacher is engaged for one school term or longer.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries. R.S.O. 1914, c. 266, s. 93 (2). Application of township grant to teachers' salaries.

(4) In the case of a union school section formed of parts of townships the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 29. R.S.O. 1914, c. 266, s. 93 (5). Township grants to union school sections.

97. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respectively by the county, the township or townships, and the rate-payers and out of the legislative grant, on account of such salary, shall abate in the proportions in which they were respectively liable for the whole. R.S.O. 1914, c. 266, s. 94. Abatement of amounts proportionately.

98. All moneys required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. R.S.O. 1914, c. 266, s. 95. Amounts required to be raised to be paid over as required.

99. Subject to the provisions of *The Consolidated Schools Act*, the provisions of sections 95 to 97 shall apply to consolidated schools, but the amount of the township grant provided for by section 96 shall not be less than the total amount which would be paid to the boards of trustees of the school sections included in the consolidated school section had the sections not been consolidated, and if more teachers are employed in the consolidated school than were employed in the school sections, the grant shall be as for a principal teacher for each school consolidated, and as for an assistant teacher for each teacher in excess of the number of teachers employed in the sections at the time when consolidation took place. 9 Geo. V, c. 75, s. 6. Consolidated schools.

INSPECTORS.

Number. Limits of Inspectorates.

100.—(1) The Minister shall determine the number of inspectors to be appointed in every county, city or separated town, and thereafter whenever he deems it expedient may direct the appointment of additional inspectors in a county or city. Minister to determine number of inspectors.

Power of
Minister to
make ap-
pointments.

(2) Where the council of a county, or the board of education or the board of public school trustees of a city or separated town fails to appoint the number of inspectors which the Minister has determined that there should be appointed for the county, city or separated town, the Minister may appoint them; and the salary and expenses of any inspector so appointed shall be provided for and paid in the same manner as if he had been appointed by the council or school board.

When
Minister
may make
appoint-
ments.

(3) No such appointment shall be made by the Minister until, in the case of a county, one month after the first meeting of the council after notice of the determination of the Minister, and, in the case of a city or separated town, within one month after the first meeting of the school board after such notice.

Where two
inspectors
appointed
for a county
or city.

(4) Where more inspectors than one are to be appointed for a county or for a city, the county council or the board of education or board of public school trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, or in the case of a city may, subject to the like approval, assign such duties in addition to those prescribed by the Regulations to each inspector as the board may deem expedient.

Duties
assigned to
inspector.

(5) There shall not, without the consent of the Minister, be assigned to an inspector the duty of making a greater or a less number of visits of inspection than the number of such visits which according to the Regulations may be assigned to one inspector.

Provision
for uniting
for in-
spection
whole or
part of
county,
city, or
separated
town with
adjacent
county or
part of it.

(6) Where in a county, city or separated town there are more or less than the number of schools, the inspection of which according to the Regulations should be assigned to the inspector or inspectors, an agreement may be made, with the approval of the Minister, for uniting for the purposes of inspection the whole or part of such county, city or separated town with an adjacent county or part of it; and where that is done the councils or school boards of the municipalities which have entered into the agreement shall provide for dividing the parts so united into inspectorates, the schools in each of which shall require the number of visits of inspection which according to the Regulations may be assigned to one inspector, unless the Minister sanctions a variation therefrom and shall assign an inspector to, or appoint an inspector for, each of such inspectorates, and shall determine the proportion in which the salaries and expenses of the inspectors shall be paid by each corporation and school board, and the same shall be payable and shall be paid accordingly.

(7) Where, owing to the number of schools, it is impracticable to form inspectorates in accordance with the provisions of the next preceding subsection as many inspectorates as it is practicable to form may be formed if provision is made for the inspection of such of the schools as are not included in any inspectorate by an inspector of an adjacent county, city or separated town.

Where impracticable to form such inspectorates.

(8) Where provision is made for such inspection by an inspector of an adjacent county, city or separated town, the councils or school boards which enter into an agreement for that purpose shall, subject to the approval of the Minister, provide by agreement as to the proportion of the time of the inspector which shall be given to the schools in each of the municipalities and the proportion of his salary and expenses which shall be borne by each corporation and school board, and the same shall be payable and be paid accordingly.

Provision for proportion of time to be given to each school, and the payment.

(9) Where in the case to which subsection 6 applies no agreement is made under the provisions of the foregoing subsections before a day to be fixed by the Minister, the Minister may exercise any of the powers which might have been exercised by the council of the county or by the school board and may re-arrange the inspectorates and assign or appoint inspectors to them or may make provision for the inspection of any of the schools within the county, city or separated town by an inspector of a district or of another county, city or separated town, or the Minister may appoint an inspector or inspectors for the purpose of inspecting such schools.

Where no agreement made Minister may re-arrange inspectorates.

(10) Where the power conferred upon the Minister by the next preceding subsection is exercised and the inspector of a district or of another county, city or separated town is appointed, the proportion of his time which shall be given to the schools in each county, city or separated town shall be determined by the Minister, and the proportion of his salary and expenses which shall be borne by each corporation and school board shall also be determined by him, and the same shall be payable and be paid accordingly.

Where such power exercised proportion of time and of salary to be determined by Minister.

(11) Where the Minister, under the powers conferred by subsection 9, appoints a new inspector the Minister shall fix the proportions of his salary and expenses which shall be paid by the corporation of the county and the school board of the city or separated town in respect of the schools in such county, city or separated town the inspection of which is assigned to such inspector, and the same shall be payable and be paid accordingly.

Minister appointing under subsec. 9 to fix proportion to be paid by county and school board, etc.

Payment by
county or
school
board.

(12) Any sum which is payable by the corporation of a county or by a school board under any of the foregoing subsections shall be provided for and paid in the same manner as if the inspector had been appointed by the corporation of the county or by the school board.

Agreement
by Minis-
ter with
county
council.

(13) The Minister may enter into an agreement with the council of a county that the inspector or one of the inspectors of such county shall be inspector for a district inspectorate and as to the proportion of the salary of such inspector, which shall be payable by the county and the Province respectively.

Minister to
define in-
spectorate.

(14) The Minister whenever he deems it necessary shall fix the limits of every district inspectorate, and shall give notice by registered letter to the secretary of every school board in the territory without county organization of the inspectorate to which the school section or other division for which the board is elected is assigned.

Urban in-
spectorate.

(15) Where a board of public school trustees or a board of education appoints an urban inspector the city or separated town for which such appointment is made shall constitute an urban inspectorate.

Approval
of muni-
cipal
by-laws.

(16) Every by-law or resolution passed and every agreement entered into by a municipal council or board under this section shall be subject to the approval of the Minister.

Appoint-
ment of
special
inspector
by Minister.

(17) When owing to the requirements of the Regulations the Minister deems it expedient he may himself appoint a special inspector of public schools who shall be subject directly to his control, and whose salary and travelling expenses shall be paid by the Department of Education out of any moneys appropriated by the Legislature for the inspection of public schools. R.S.O. 1914, c. 266, s. 97.

Appointment.

Appoint-
ment of in-
specter by
county
council.

101.—(1) The council of every county, by resolution passed at the first meeting held after being directed by the Minister to appoint an additional inspector or after a vacancy in the office of county inspector occurs, shall appoint an inspector.

Vacancy
in county.

(2) Where a vacancy occurs in the office of county inspector the warden of the county may appoint some legally qualified person to fill the vacancy until the next ensuing meeting of the county council. R.S.O. 1914, c. 266, s. 98 (1), (2).

Appoint-
ment by
urban
board.

(3) Where the Minister directs the appointment of an additional urban inspector or a vacancy occurs in the office
of

of urban inspector, an inspector shall be appointed by the board by resolution passed at the first meeting held after receiving such direction or after such vacancy occurs. R.S.O. 1914, c. 266, s. 98 (3), *amended*.

(4) The clerk of the county or the secretary of the board, as the case may be, shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post. Resolution to be sent to Minister.

(5) Where a county council for one month after such meeting or where a public school board or board of education for one month after a vacancy occurs neglects to make an appointment the same may be made by the Minister. Appointment by Minister on default. R.S.O. 1914, c. 266, s. 98 (4), (5).

(6) Every appointment of a county or urban inspector shall be subject to ratification by the Minister and if not so ratified within one year after he enters upon his duties the engagement of the inspector shall terminate at the end of that period and the council or board shall appoint another inspector as provided by this Act. R.S.O. 1914, c. 266, s. 98 (6), *amended*. Ratification of appointment by Minister.

(7) District inspectors shall be appointed by the Lieutenant-Governor upon the recommendation of the Minister and shall hold office during pleasure. Appointment of district inspector.

(8) Where more inspectors than one are appointed in a county or city the county council or the board may, subject to the approval of the Minister, designate one of the inspectors to be senior inspector and the senior inspector, in addition to the powers and duties of an inspector, shall have such other powers and perform such other duties as the Minister may prescribe. R.S.O. 1914, c. 266, s. 98 (7), (8). Senior inspector.

Removal, Suspension or Dismissal.

102.—(1) An inspector may be suspended or removed from office or his certificate may be cancelled by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity. Grounds for dismissal.

(2) The county council or board by which an inspector is appointed may suspend the inspector for neglect of duty, misconduct, inefficiency or physical infirmity. Removal by county council or board.

(3) The clerk of the county or secretary of the board, as the case may be, shall forthwith report such suspension to Report to Minister.

to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the inspector from office or cancel his certificate and the decision of the Minister shall be final.

Salary
during
suspension.

(4) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just. R.S.O. 1914, c. 266, s. 99 (2)-(5).

Qualifications, etc.

Qualifica-
tion of
inspectors.

103.—(1) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister or who does not hold a certificate of qualification as prescribed by the Regulations. R.S.O. 1914, c. 266, s. 100 (1).

Inspector
shall not
have any
other office
or employ-
ment.

(2) An inspector who during his tenure of office holds any other office or employment or follows any other profession or calling, except the performance of such special duties as the Minister may require, without the approval of the Minister and of the county council of the county or of the board of the city or town in which his inspectorate lies shall forfeit his office as inspector. R.S.O. 1914, c. 266, s. 100 (2), *amended*.

Duties of
inspectors.

104.—(1) Subject to the Regulations it shall be the duty of every public school inspector;

- (a) To visit in every year each school room in his inspectorate having a separate register as often and for such length of time on each occasion as the Minister may direct;
- (b) To prepare a report of every such visit in the form prescribed by the Regulations;
- (c) To forward within one month after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (d) To make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the county council and to the board of every city or separated town included in his inspectorate or in the case of an urban inspector to the board of the city or town only;

(e)

- (e) To report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;
- (f) To furnish the Minister with information respecting any public school in his inspectorate whenever required so to do;
- (g) To withhold his order for the amount apportioned from the legislative grant and to order the withholding of the municipal grant:
 - (i) Where any school has been kept open for less than six months in the year except where that has been caused by the school having been closed by order of the medical officer of health or local or provincial board of health on account of the prevalence of any communicable disease;
 - (ii) Where the board fails to transmit promptly the annual or other school returns properly filled up;
 - (iii) Where the board fails to comply with this Act or with the Regulations; or
 - (iv) Where the teacher uses or permits to be used as a text-book any book not authorized by the Regulations;

and in every case to report to the board and to the Minister his reasons for so doing;

- (h) To discharge such other duties as may be required by the Minister or Regulations;
- (i) On retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister or of the council of the county in which his inspectorate lies or of the board by which he was appointed. R.S.O. 1914, c. 266, s. 101 (1); 7 Geo. V, c. 27, s. 46.

(2) Every inspector shall be directly responsible to the Minister for the due performance of his duties and, subject to the Regulations, shall obey the direction of the county council in the case of a county inspector and of the board

Inspector
to be
responsible
to Minister.

in the case of an urban inspector. R.S.O. 1914, c. 266, s. 101 (2).

Power to administer oaths.

(3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness and he shall have the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. R.S.O. 1914, c. 266, s. 101 (3), *amended*.

Salaries.

Salaries of inspectors.

105.—(1) In and for the year 1920, and as from the 1st day of January, 1920, and in and for every subsequent year there shall be paid to every county inspector an annual salary of \$3,000. 8 Geo. V, c. 51, s. 3 (1), *amended*.

Contributions of county and province.

(2) Of the annual salary of every county inspector the county council shall pay to the inspector, in monthly instalments, the sum of \$1,200, and the remainder of the salary shall be payable by the Treasurer of Ontario to the inspector in monthly instalments out of the moneys appropriated for that purpose. 8 Geo. V, c. 51, s. 3 (2), *amended*.

Agreement for employment in districts.

(3) An agreement may be entered into by the Minister for the employment of a county inspector as inspector in a provisional judicial district, but no such agreement shall affect the amount of the annual salary payable to an inspector under this Act. (*New*.)

Other expenses.

(4) The county council shall also pay to the county inspector his reasonable expenses for travelling, printing, postage and stationery, and in case of dispute the amount thereof shall be settled by the judge of the county court upon the application of the inspector or of the council and the decision of the judge shall be final.

Office accommodation, furniture, etc.

(5) The county council shall also provide the inspector with necessary office accommodation and furniture and clerical assistance, and in case of any difference between the county council and the inspector as to what is necessary the matter in dispute may be determined by the judge of the county court whose decision shall be final.

Salaries of urban inspectors.

(6) The salary of an urban inspector shall be fixed by the board of public school trustees or board of education, of the city or town, and shall be payable by the treasurer of the board. R.S.O. 1914, c. 266, s. 102 (5)-(7).

(7) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually pay in the month of December to the board of the city or separated town the sum of \$6 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the inspector. Contribution from Province. R.S.O. 1914, c. 266, s. 102 (8); 8 Geo. V, c. 51, s. 3 (3).

(8) The salaries and travelling and other expenses of district inspectors shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of any moneys appropriated for that purpose, at such times and in such manner as the Minister may direct. District inspectors. R.S.O. 1914, c. 266, s. 102 (9).

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

106. Arbitrators in making their award shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration and such determination shall be final and conclusive. Arbitrators to award costs. R.S.O. 1914, c. 266, s. 103.

107. Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid \$4 a day and travelling expenses. Allowance to arbitrators. R.S.O. 1914, c. 266, s. 104.

APPEALS FROM DIVISION COURT DECISIONS.

108.—(1) In an action between a teacher and a board under this Act the judge of the division court in which the action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to appeal to the Minister to appeal. Appeals from Division Court judgment.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the judge to a divisional court, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal may be entitled "The Minister of Education for Ontario, Appellant, in the matter between (*naming the parties*)."

(3) The judge shall thereupon transmit to the central office of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. Transmission of papers to Supreme Court.

Stay of proceedings.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined.

Direction to the court below.

(5) The divisional court shall give such order or direction to the court below touching the judgment to be given as the circumstances require, and upon receipt of such order or direction the judge shall proceed in accordance therewith.

Costs.

(6) The divisional court may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office.

Right of appeal.

(7) Notwithstanding anything herein contained, any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the division court. R.S.O. 1914, c. 266, s. 105.

SUPERANNUATION.

[As to rights of teachers and inspectors who have elected to take the benefit of 7 Geo. V, c. 58, see section 15 of that Act.]

Superannuation fund.

109. Every teacher and inspector who is not subject to *The Teachers and Inspectors Superannuation Act*, and whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund in such manner as may be prescribed by the Regulations the sum of at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed. R.S.O. 1914, c. 266, s. 106, *amended*.

Repayment to wife, etc., of deceased teacher.

110. On the death of such teacher or inspector, the wife, husband or legal representative of such teacher or inspector shall be entitled to receive the amount paid into such fund by such teacher or inspector with interest at the rate of seven per cent. per annum. R.S.O. 1914, c. 266, s. 107.

Allowance upon retirement at sixty years of age.

111.—(1) Every such teacher and inspector who, while engaged in his profession, has contributed to the fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of \$6 per annum, or such larger rate as may be approved by the Lieutenant-Governor in Council, for every year of service in Ontario, upon furnishing evidence

of good moral character, age and length of service. R.S.O. 1914, c. 266, s. 108 (1), *amended*.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation under this Act by reason of his having retired from active service before reaching that age if he has served for a period of thirty years. Or after thirty years of service.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability. Retirement through disability.

(4) Every superannuated teacher and inspector who holds a first or second-class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute. Extra allowance to certain teachers.

(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. When allowance to cease.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector, his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the Regulations. Teacher resuming profession. Again retiring.

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list. Forfeiture of claims.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. Repayment to contributors.

(9) Where a teacher or inspector does not avail himself of the provisions of section 109 or of subsection 8 of this section, the provisions of section 110 and subsections 1 to 7 of this section shall apply so far as relates to all sums already paid by him into the superannuation fund. R.S.O. 1914, c. 266, s. 108 (2)-(9). Teachers not availing themselves of Act.

Teachers
and inspec-
tors electing
to be sub-
ject to
7 Geo. V,
c. 58.

(10) The foregoing provisions of this section shall not apply to a teacher or inspector who has elected, as provided by *The Teachers and Inspectors Superannuation Act*, to become a contributor to the fund established under that Act. (*New.*)

NOTE.—As to power of board to receive gifts, devises or bequests, see *The Mortmain and Charitable Uses Act, R.S.O. 1914, c. 103, s. 14.*

Retiring
allowance
to teachers,
officers
and
inspectors.

112. Where a teacher, inspector or officer of a board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board, in the case of a teacher, city inspector or other officer, and the county council in the case of a county inspector, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. R.S.O. 1914, c. 266, s. 110.

INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE.

Engagement
of instructor
in agri-
culture by
township
council.

113.—(1) The council of a township may engage the services of a person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved of by the certificate of the Minister, or of an instructor qualified as required by the Regulations to give instruction in agriculture, manual training and household science in the public schools of the municipality; and the council may levy and collect from the ratepayers of such municipality who are public school supporters such sums as may be necessary to pay the salaries of such instructors and all other expenses connected therewith.

Courses of
instruction.

(2) The courses of instruction shall be those prescribed by the Regulations.

Engagement
by board.

(3) The board of a rural school section or of a union school section or a number of such boards may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools.

Course in
agriculture
to be open to
all
residents.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. R.S.O. 1914, c. 266, s. 111.

114.—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board or any of such boards in a city, town or village may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

Manual training and domestic science classes in urban schools.

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may if the cost thereof has been included in the estimate mentioned in subsection 4 procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Management under committee.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Duration of office.

(4) The committees shall annually, on or before the first day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. R.S.O. 1914, c. 266, s. 112.

Providing for cost of instruction.

OFFENCES AND PENALTIES.

115. If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. R.S.O. 1914, c. 266, s. 113.

Use of unauthorized text-books.

116. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than \$5 and not more than \$10. R.S.O. 1914, c. 266, s. 114.

False declaration as to right to vote.

Refusing
to serve.

117. A trustee who refuses to serve after being duly elected with his own consent shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. R.S.O. 1914, c. 266, s. 115, *amended*.

Disqualified
persons
acting.

Penalty for
refusal to
perform
duties.

118. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 266, s. 116.

Disqualifi-
cation for
certain
offices.

119. A trustee shall not be eligible for appointment as public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of a high, public or separate school while he holds the office of inspector. R.S.O. 1914, c. 266, s. 117.

Seat
vacated by
conviction
for crime,
etc.

120. If a trustee is convicted of any indictable offence or becomes insane or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality, or in the case of a city within one mile of the city or within the school section for which he is a trustee, he shall *ipso facto* vacate his seat, and subject to the provisions of subsection 2 of section 66, the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. R.S.O. 1914, c. 266, s. 118, *amended*.

Seat
vacated by
interest in
contract
with
board.

121.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

When seat
may be
declared
vacant.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant, and, subject to the provisions of subsection 2 of section 66, the remaining trustee or trustees shall forthwith order a new election. R.S.O. 1914, c. 266, s. 119 (1), (2).

(3) Nothing in this section shall prevent a trustee receiving payment as provided by section 36 or prevent the board of a rural section from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting or at a special meeting of the ratepayers and duly entered in the minutes. R.S.O. 1914, c. 266, s. 119 (3), *amended*. Exception.

122. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1914, c. 266, s. 120. Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

123. Any person who wilfully interrupts or disquiets the proceedings of a school meeting, or a public school, by acting in a disorderly manner, or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school shall for each offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 266, s. 121, *amended*. Penalty for disturbing a school or school meeting.

124. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. R.S.O. 1914, c. 266, s. 122. Penalty for chairman neglecting to report to inspector.

125. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein suing on behalf of himself and all ratepayers of the municipality or section interested in any court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1914, c. 266, s. 123. Liability for neglect to take security.

126. A secretary or a treasurer, and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money which came into his possession as such secretary, treasurer, trustee Secretary, treasurer, or trustee, refusing to deliver up books and moneys.

or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same or any part thereof to the person and in the manner directed by the board or by other competent authority. R.S.O. 1914, c. 266, s. 124.

Summons
for
appearance.

127.—(1) Upon application to a judge of the county or district court by the board or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the judge may summon such secretary, treasurer, trustee or person to appear before him at a time and place appointed by him.

Service of
summons.
Order to
account.

(2) Any bailiff of a division court, upon being requested so to do shall serve the summons or a true copy thereof on the person complained against personally, or by leaving the same with a grown-up person at his residence.

Hearing of
complaint
and order
thereon.

(3) At the time and place so appointed the judge, being satisfied that service has been made, shall in a summary manner and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded the judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Effect of
non-com-
pliance
with judge's
order.

(4) In the event of non-compliance with the order the judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money, in the manner directed by the board or other competent authority.

Discharge
on com-
pliance
with order.

(5) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge
on terms.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just.

Other
remedy not
affected.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. R.S.O. 1914, c. 266, s. 125.

128.—(1) Sections 126 and 127 shall apply to the case of any person who has in his possession any book, paper, chattel or money, which came into his possession as secretary, or treasurer, or trustee, or otherwise of a board of trustees of a school section or urban municipality, which has been dissolved by reason of the annexation of such school section or urban municipality to a city, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner directed by the board of education, the board of public school trustees or other competent authority in the city to which such school section or urban municipality has been annexed, and in default of his so doing, proceedings may be taken against him by the urban board, or by two ratepayers of the city, in the same manner as in the case provided for by section 127, and that section shall *mutatis mutandis* apply.

Compelling delivery of books, money, etc., on dissolution of school corporation.

(2) Subsection 1 shall apply to every person who has received from such secretary, treasurer, trustee, or other person any book, paper, chattel or money which, by subsection 1, it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first mentioned person.

Application of subs. 1.

(3) This section shall be deemed to have been in force since the 13th day of April, 1909. 6 Geo. V, c. 24, s. 36.

Commencement of section.

129. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 266, s. 126.

Penalties on trustees refusing information, etc., to auditor.

130. If the board of a rural school section neglects to transmit to the inspector, in accordance with the Regulations, a correct and verified statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. R.S.O. 1914, c. 266, s. 127.

Penalty for neglect to make returns.

131. If the board of any school section neglects to prepare and forward such annual statement to their county inspector by the 15th day of January in every year, each of them shall,

Penalty for delaying yearly reports.

for

for every week thereafter until such statement has been prepared and presented, incur a penalty not exceeding \$5. R.S.O. 1914, c. 266, s. 128.

Penalty for false school reports and registers.

132. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall, for every offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 266, s. 129.

Clerk neglecting or refusing to perform duties.

133. If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall incur a penalty not exceeding \$10. R.S.O. 1914, c. 266, s. 130.

Penalty for not calling school meetings.

134. If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice shall incur a penalty of \$5. R.S.O. 1914, c. 266, s. 131.

N.B.—*A trustee, teacher, inspector or officer of the Department of Education, who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. See Rev. Stat., c. 265.*

Penalties for not maintaining school as required by Act.

135. Where a board makes default in maintaining a public school during the whole school year or such part thereof as this Act requires every member of the board shall incur a penalty of \$5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default. R.S.O. 1914, c. 266, s. 132.

Recovery and application of penalties. Rev. Stat., c. 90.

136. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct. R.S.O. 1914, c. 266, s. 133.

Repeal and saving as to consolidated schools.

137. *The Public Schools Act*, being chapter 266 of The Revised Statutes of Ontario, 1914, and the amendments thereto, are repealed, but this shall not apply to or affect section 16 of the said Act, as enacted by *The Consolidated Schools Act, 1919*, or any of the provisions of the said last-mentioned Act, and the same shall continue in force and be read and construed as part of this Act.

CHAPTER 101.

An Act to amend The Separate Schools Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 45 of *The Separate Schools Act* is amended by adding to same the following clause:—

Rev. Stat.,
c. 270, s. 45,
amended.

- (x) If deemed expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and (where a school nurse or medical inspector is employed) of the nurse and medical inspector, the defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay.

Providing
attendance
for minor
surgical
operations.

CHAPTER 102.

An Act to provide for the Establishment of
Provincial Technical Schools.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Technical Education Act, 1920.*

Rev. Stat.,
c. 276,
amended. **2.** *The Industrial Education Act* is amended by adding thereto the following sections:—

PART II

PROVINCIAL TECHNICAL SCHOOLS.

Authority.
to establish
schools.

17. The Minister, with the approval of the Lieutenant-Governor in Council, may establish, maintain, conduct and control schools for technical training required in any branches of industry or may enter into an agreement with any organization in the interest of any branch of industry for that purpose.

Cost—how
borne.

18. The cost of establishing and maintaining a school established under this Part shall be borne and paid out of moneys appropriated by this Legislature or received from the Dominion Government for the purposes of technical education and out of any moneys contributed by any organization under an agreement made in pursuance of section 17 or under the regulations.

Board.

19. Every school established under this Part shall be maintained and conducted by a board to be appointed or elected in the manner provided
by

by the regulations, and such regulations may provide for the representation upon the board of any organization of employers or employees in the particular branch of industry for which the school is established.

20. The Minister, with the approval of the Lieutenant-Governor in Council may make regulations for

the establishment, organization, government, courses of study and examination of technical schools established under this Part, and generally the Minister and the Lieutenant-Governor in Council shall have and may exercise with respect to any such school the powers conferred by *The Department of Education Act* with respect to technical schools.

3. This Act shall come into force and take effect on the 1st day of July, 1920.

Commence-
ment of Act.

CHAPTER 103.

An Act to make provision for the Payment of Scholarships for Post-Graduate Study in France

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The French Scholarships Act, 1920.*

Appropriation for scholarships for post-graduate courses in France. **2.** There shall be payable out of the Consolidated Revenue Fund, during the fiscal year commencing on the 1st day of November, 1920, and annually thereafter, the sum of \$6,000, to be awarded by the Minister of Education in scholarships to residents of Ontario for the purpose of enabling them to pursue courses of study in France.

Regulations. **3.** The number of such scholarships, the terms and conditions upon which they may be awarded, and the courses of study to be pursued, shall be prescribed by regulations to be made in the manner provided by *The Department of Education Act.*

CHAPTER 104.

An Act to amend The Industrial Schools Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Industrial Schools* Short title.
Amendment Act, 1920.

2. Section 24 of *The Industrial Schools Act* as amended Rev. Stat.,
c. 271, s. 24,
amended.
by section 49 of chapter 20 of the Acts passed in the eighth
year of His Majesty's reign, is amended by striking out the
words "thirty-seven" in the fifth line and inserting in lieu
thereof the word "fifty."

3. Section 25 of *The Industrial Schools Act* is amended Rev. Stat.,
c. 271, s. 25,
subs. 1,
amended.
by striking out the figures "43" in the fourth line and
inserting in lieu thereof the figures "75."

4. Subsection 1 of section 28 of *The Industrial Schools* Rev. Stat.,
c. 271, s. 28,
subs. 1,
amended.
4 Geo. V,
c. 48.
Act as amended by section 49 of chapter 20 of the Acts
passed in the eighth year of His Majesty's reign, is amended
by striking out the words "thirty-seven" in the first line
and inserting in lieu thereof the word "fifty."

5. This Act shall come into force and take effect on a Proclama-
tion bring-
ing Act
into force.
day to be named by proclamation.

CHAPTER 105.

An Act to confirm a certain agreement between the Art Gallery of Toronto and the Council of The Ontario College of Art.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short
title.

1. This Act may be cited as *The College of Art Act, 1920.*

Agreement
between
College of
Art and Art
Gallery of
Toronto
confirmed.

2. The agreement set out in schedule "A" dated the 12th day of May, 1920, and made between the Art Gallery of Toronto and the Council of the Ontario College of Art is confirmed and declared to be legal, valid, and binding, and the respective parties thereto are authorized to do all acts necessary to carry out such agreement, and the same shall have effect, anything in any general or special Act, or in any municipal by-law, or any contract or agreement heretofore entered into to the contrary notwithstanding.

SCHEDULE "A"

Memorandum of agreement made this 12th day of May, A.D. 1920,

Between

The Art Gallery of Toronto, hereinafter called the "Art Gallery," party of the first part;

and

The Council of the Ontario College of Art, hereinafter called the "Council," party of the second part.

Whereas the Art Gallery is in occupation of certain lands in the City of Toronto owned by it for its corporate purposes and objects;

And whereas among the objects of the incorporation of the Art Gallery was the education of those desirous of applying themselves to the study of art;

And whereas the Council is authorized to undertake the training of students in the fine arts, including drawing, painting, designing, modelling, sculpture, and the training of teachers in the fine and applied arts;

And whereas the Council is desirous of obtaining a site to erect the necessary buildings for the purpose of carrying out its said objects;

And whereas the Art Gallery is desirous of affording facilities to the Council for carrying out its said objects;

It is agreed by and between the parties hereto as follows:—

1. The Council may erect upon such portion of the lands now occupied by the Art Gallery in the City of Toronto and coloured red on the plan hereunto annexed, being the plan of survey made by Speight and Van Nostrand, O.L.S.S., a building for the purpose of carrying on the training of students in the fine arts, including drawing, painting, modelling and sculpture and in all branches of applied arts and the more artistic trades and manufactures, and the training of teachers in the fine and applied arts.

2. The building to be so erected shall be of such design as shall be approved by an architect appointed by the Art Gallery.

3. If the Council shall at any time hereafter be dissolved or cease to carry on the work of the College as set out in paragraph 1 of this agreement, the right to occupy such building and the lands upon which the same may be erected shall cease and determine and the Council shall not be entitled to claim from the Art Gallery any compensation therefor.

4. So long as the building to be so erected shall be used by the Council for the purposes hereinbefore set forth, the Council, its teachers, pupils, officers, servants and workmen shall at all times have suitable access to the buildings to be so erected through and over the lands owned or controlled by the Art Gallery.

5. The Council shall at all times maintain the buildings erected by it in good condition and repair.

In

In witness whereof the parties hereto have hereunto set their hands and seals this 12th day of May, A.D. 1920.

Signed, sealed and delivered
in the presence of
G. A. REID.

B. E. WALKER,
Chairman Council of the
- Art Gallery of Toronto.

(Seal.)

C. T. CURRELLE,
For the Council of the
Ontario College of Art,
Toronto.

CHAPTER 106.

An Act to amend The Religious Institutions Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Religious Institutions Amendment Act, 1920.*

2. *The Religious Institutions Act* is amended by adding thereto the following as section 11a:—

11a—(1) Where at a meeting of a society or congregation duly called in accordance with the statutes, by-laws, rules and regulations governing the same, it has been proposed to sell, exchange or otherwise deal with any land held by trustees for the use of such society or congregation, and the society or congregation has by resolution approved of the proposed method of dealing with such land, or some part thereof, and the price to be paid or property to be accepted in exchange therefor, and all other terms and conditions of such sale, exchange, or other disposition, it shall not be necessary for the trustees to give any other notice or to offer the land for sale by public auction, as provided in section 11, but the trustees may make a conveyance or other disposition of the land dealt with in accordance with the terms and conditions of such resolution.

Rev. Stat.,
c. 286,
amended.
Sale or
exchange of
property
held by
trustees.

(2) In the absence of any rule or regulation defining what notice shall be given of any meeting of such society or congregation, such meeting shall be properly called upon three days' notice given by announcement from the pulpit or by written notice posted up upon the door of the church and in the nearest schoolhouse or post office for three days before such meeting.

Notice of
meeting.

CHAPTER 107.

An Act to amend The Hospitals and Charitable Institutions Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Hospitals and Charitable Institutions Amendment Act, 1920.*

Rev. Stat.,
c. 300, s. 2,
cl. b,
amended. **2.** Clause *b* of section 2 of the said Act is amended by striking out the figure “7” in the second line and inserting in lieu thereof the figures “10.”

Rev. Stat.,
c. 300, s. 2,
cl. c,
amended. **3.** Clause *c* of section 2 of the said Act is amended by striking out the figure “2” in the second line and inserting in lieu thereof the figure “5” and by striking out the figure “7” in the eighth line and inserting in lieu thereof the figures “10.”

Rev. Stat.,
c. 300, s. 2,
cl. d,
amended. **4.** Clause *d* of section 2 of the said Act is amended by striking out the figure “7” in the first line and inserting in lieu thereof the figures “10.”

9 Geo. V.
c. 83, s. 7,
amended. **5.** Subsection 2 of section 6 of the said Act, as enacted by section 7 of chapter 83 of the Acts passed in the ninth year of His Majesty's reign, is amended by striking out all the words therein after the word “corporation” in the fifth line and inserting in lieu thereof the words “a sum in excess of \$1.50 per day shall be deemed a paying patient.”

7 Geo. V.
c. 27, s. 57,
amended. **6.** Section 24 of the said Act, as amended by section 57 of chapter 27 of the Acts passed in the seventh year of His Majesty's reign, is further amended by striking out the figures “\$1.25” after the word “than” in the third line and inserting in lieu thereof the figures “\$1.50.”

Commence-
ment of Act. **7.** This Act shall come into force and take effect on a day to be named by proclamation of the Lieutenant-Governor.

CHAPTER

CHAPTER 108.

An Act to confer Certain Powers respecting Hospitals on the Lieutenant-Governor in Council.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council shall have power to authorize an agreement between His Majesty the King, in right of his Dominion of Canada, represented by the Honourable the Minister of Soldiers' Civil Re-Establishment or the Minister of such other department of the Government of Canada as may be charged with the care and treatment of insane former members of His Majesty's military or naval forces, who served during the war of 1914-18, whereby the said department shall be authorized to establish, operate, maintain, control and direct in the Province of Ontario a hospital or hospitals for the care, treatment and detention of such former members of the forces; and to make, from time to time, such orders or regulations as he may deem necessary and advisable for the admission, commitment and detention thereto or therein of such former members of the forces within the Province, notwithstanding any provision to the contrary contained within *The Hospitals for the Insane Act* or any other Act; and for greater certainty but not so as to restrict the generality of the foregoing terms, it is hereby declared that the Lieutenant-Governor in Council may exempt the said department from such of the provisions of the said Acts as he may deem inapplicable and may authorize the said department by its officers or servants to do such acts and things as by or under *The Hospitals for the Insane Act* or any amendment thereto or any other Act or Acts dealing with the care, treatment or detention of the insane are required or authorized to be done by officers or servants of the Province of Ontario or by a justice or justices of the peace or other judicial authority.

2. All orders and regulations made under this section shall have the force of law and may be varied, extended or revoked by any subsequent order or regulation.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 109.

An Act to amend The Sanatoria for Consumptives Act.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1920.*

Rev. Stat.,
c. 298, s. 16,
subs. 2,
amended. **2.** Subsection 2 of section 16 of *The Sanatoria for Consumptives Act* is amended by striking out the figures “\$1.25” in the sixth line and substituting in lieu thereof the figures “\$1.50.”

Rev. Stat.,
c. 298, s. 24,
amended. **3.** Section 24 of the said Act is amended by striking out the figures “\$1.25” in the third line and substituting in lieu thereof the figures “\$1.50.”

Commence-
ment of Act. **4.** This Act shall come into force and take effect on a date to be named by Proclamation.

CHAPTER 110.

An Act to confirm by-law No. 40 of the Township of Amherst Island to lend \$10,000 to the Kingston Navigation Company, Ltd.

Assented to June 4th, 1920.

WHEREAS the Corporation of the Township of Amherst Island has by petition represented that the council thereof has passed a by-law authorizing the issue of debentures to the amount of \$10,000 for a loan to the Kingston Navigation Company, Limited, to assist in the establishment of a steamboat service between Amherst Island and the City of Kingston; and whereas the said corporation has by the said petition prayed that an Act may be passed confirming, legalizing and validating the said by-law and the agreement therein set out; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 40 of the Corporation of the Township of Amherst Island set out in schedule "A" to this Act, and the said agreement are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation, the ratepayers thereof and the parties to the said agreement.

2. All debentures to be issued under and in pursuance of the said by-law are ratified and confirmed and declared to be legal, valid, and binding upon the said corporation and the ratepayers thereof, and it shall not be necessary for the purchaser of any of the said debentures to inquire into the proceedings relating to the passing of the said by-law, or the issue of such debentures.

SCHEDULE "A."

BY-LAW No. 40, 1920.

TOWNSHIP OF AMHERST ISLAND.

Being a by-law to authorize the issue of debentures of the Township of Amherst Island to the amount of \$10,000 to provide for a loan to the Kingston Navigation Company, Limited, and to authorize and confirm an agreement with the said company for the establishment of a steamboat service between Amherst Island and the City of Kingston.

Whereas the Kingston Navigation Company has entered into the agreement with the Municipal Corporation of the Township of Amherst Island set out in schedule "A" to this by-law, and it is expedient to ratify and confirm this agreement and to provide for the loan of \$10,000 proposed therein by the issue of debentures upon the credit of the municipality;

And whereas the amount of the whole rateable property of the said municipality according to the last revised assessment roll, being for the year 1919, is \$346,310;

And whereas there is no existing debenture debt of the said municipality;

Be it enacted by the Council of the Corporation of the Township of Amherst Island as follows:—

1. The said agreement bearing date the 24th day of February, A.D. 1920, forming schedule "A" to this by-law is hereby authorized, approved and confirmed.

2. For the purposes mentioned in the said agreement there shall be borrowed on the credit of the corporation the sum of \$10,000 and debentures shall be issued therefor on the instalment plan in sums of not less than \$100 each, and shall have coupons attached thereto for the payment of the interest.

3. The debentures shall all bear the same date, the 1st day of May, 1920, and shall be issued forthwith after the ratification of this by-law by the Legislative Assembly of the Province of Ontario, and shall be payable in five annual instalments during the five years next after the date when they shall be issued and shall bear interest at the rate of six per cent. per annum, payable half-yearly, and the respective amounts payable in each of such years shall be as follows:—

Year.	Principal.	Interest.	Total.
1921	\$1,800	\$600	\$2,400
1922	1,900	492	2,392
1923	2,000	378	2,378
1924	2,100	258	2,358
1925	2,200	132	2,332

4. The debentures shall be signed and issued by the reeve, and shall be signed also by the treasurer and shall be sealed with the seal of the corporation, and the coupons shall be signed by the treasurer, and the said debentures and coupons shall be payable at the Bank of Toronto in the City of Kingston.

5. Subject to the provisions of the following paragraph and for the purpose of retiring the said debentures there shall be raised in each year during the currency of the said debentures the amount of the instalment of principal and interest payable in that year as above set out.

6. All monies received by the Corporation of the Township of Amherst Island in repayment of the loan referred to in the said agreement shall be kept in a special account, and the amount standing at the credit of such account each year at the time when the total annual tax is settled and the collector's roll is made up shall be applied on or towards payment of the annual amount due for principal and interest upon the said debentures as above set out, and the amount to be raised by taxation shall be reduced or settled accordingly.

7. The debentures may contain any provision for their registration authorized by law.

8. This by-law shall come into force upon the passage of an Act of the Legislative Assembly of the Province of Ontario ratifying and confirming the same.

Passed this 24th day of February, A.D. 1920.

WILLIAM HY. MOUTRAY,
Township Clerk.

SAMUEL MILLER,
Reeve.

(Seal.)

SCHEDULE "B."

THIS IS SCHEDULE "A" REFERRED TO IN THE FOREGOING
BY-LAW.

Memorandum of agreement made in duplicate this 24th day of February in the year of our Lord one thousand nine hundred and twenty,

Between

The Kingston Navigation Company, Limited, hereinafter called the contractor, of the first part,

and

The Municipal Corporation of the Township of Amherst Island, hereinafter called the corporation, of the second part.

Witnesseth that whereas it is expedient to arrange for a steam-boat service between Amherst Island and the City of Kingston and to raise the sum of ten thousand dollars upon the credit of the corporation for the purpose of a loan to the contractor to assist in providing the required service,

Now therefore in consideration of the premises and of the respective covenants hereinafter set out, the parties agree as follows:—

1. The corporation shall, on or before the 1st day of May next (1920) lend and pay to the contractor the sum of ten thousand dollars of lawful money of Canada, which sum shall be repayable within five years from the date first named in manner hereinafter provided.

2. During the said period of five years the contractor shall each year furnish and operate between Amherst Island and the City of Kingston,

Kingston, at the times and upon the terms and conditions herein-after mentioned, a good and serviceable steamer approximately 100 feet in length by 20 feet beam with a carrying capacity of not less than 200 passengers.

3. The contractor shall execute and deliver to the corporation in exchange, and by way of security, for the said loan, a good and sufficient first mortgage upon the said steamer for the said sum of ten thousand dollars, wherein provision shall be made for repayment of the said sum, together with interest at the rate of six per centum per annum in five approximately equal annual instalments payable respectively on the 1st day of May in each year until the loan be fully repaid; such instalments to be fixed to correspond in amount with the amounts of the annual instalments of principal and interest fixed for the purpose of retiring the debentures which the corporation proposes to issue to provide for the said loan; and the contractor shall repay the said loan accordingly.

4. The contractor shall also cause the said steamer to be insured for the amount of the said loan, and shall assign the insurance policies to the corporation as additional security.

5. Subject to the conditions hereinafter mentioned the contractor shall operate the said steamer as follows:—

(a) From May 1st to June 15th, excepting in the year 1920 when the first trip shall be made not later than June 1st, the steamer will make one round trip weekly between Amherst Island and Kingston and return, leaving Emerald at 8 a.m. and Kingston at 5 p.m., and calling at Bath and Stella each way; provided that an additional trip per week will be made during this period if gross earnings of one hundred dollars per trip is first guaranteed by the corporation;

(b) From June 15th to September 15th the steamer will make two round trips weekly, one on Monday and one on Saturday, the hours and ports of call on Monday to be as above specified; but on Saturday to be 8 a.m. from Stella only, and 10 p.m. from Kingston, without call at Bath or Emerald;

(c) From September 15th to December 1st, the steamer will make one round trip weekly, on Saturdays, leaving Emerald at 8 a.m. and Kingston at 4 p.m., and calling at Bath and Stella each way;

(d) Cattle will be carried on Mondays only from June 15th to September 15th, unless there is a movement of at least 20 head, in which event they will be delivered on Saturday either to Bath, Kingston, or Mill Haven at shipper's option.

6. The rates hereunder mentioned shall be charged and paid for the carriage of passengers and freight, that is to say:—

For passengers—

Between Emerald, Bath, Stella, and Kingston:

Round trip	\$1.00
One way .....	.60

Between Emerald, Bath and Stella:

Round trip .....	.50
One way .....	.25

For

For freight—

Automobiles, one way	\$2.50
Cheese, per box .....	.15
Cheese boxes, empty, per box .....	.03
Cattle, over one year old, each	1.00
Cattle, under one year old, each .....	.75
Flour, feed, grain, in bags, per 100 lbs. ....	.10
Grist, in bags, each way, per 100 lbs. ....	.08
Horses, one way, each	1.00
Sheep, lambs and hogs, one way each .....	.35
Sulky, one way each .....	.50
Waggon, one way each	1.00 & 2.00

All goods not specified subject to standard classification—

Minimum charge, under 25 lbs. ....	.25
Minimum charge, over 25 lbs. ....	.35

Above rates include wharfage at Kingston but not at Bay ports.

7. The contractor will make every effort to provide the service agreed upon in accordance with the terms and conditions above set out, but shall not be liable for damages in the event of accidents or delays which are not the direct result of some wilful act, omission, or negligence on the part of the contractor.

8. It is understood and agreed that the contractor enters into the obligations of this agreement on the express condition that the service undertaken is not competitive, and that if and when other means of transportation render probable a substantial reduction in the quantity of freight or number of passengers to be carried by the contractor, the contractor shall be at liberty to discontinue and cancel this agreement upon repaying to the corporation the principal and interest then remaining unpaid upon the said loan.

9. The various covenants herein shall also bind and enure to the benefit of the successors and assigns of the respective parties.

In witness whereof the parties have caused their corporate seals to be hereto affixed duly attested by the proper officers in that behalf.

Kingston Navigation Company, Limited.

J. M. CAMPBELL,

President.

(Seal.)

R. EASTON BURNS,

Secretary.

SAMUEL MILLER,

Reeve.

(Seal.)

WILLIAM HY. MOUTRAY,

Township Clerk.

CHAPTER 111.

An Act respecting the Township of Barton.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Municipal Corporation of the Township of Barton has, by its petition, represented that it would greatly conduce to the benefit of the said municipality to secure the founding within its limits of the manufacturing plant of Firestone Tire and Rubber Company of Canada, Limited; and whereas the said municipal corporation has prayed for special legislation authorizing, validating and confirming by-law No. 1192 of the said municipal corporation, being a by-law respecting the assessment of parts of lots one and two in the first and broken front concessions of the Township of Barton for a period of twenty years; and whereas on the 3rd day of November, 1919, by a vote of 772 for and 142 against the qualified electors assented to the said by-law; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law
No. 1192
confirmed.

1. By-law No. 1192 of the Municipal Council of the Corporation of the Township of Barton set out as schedule "A" hereto, is confirmed and declared to be legal, valid and binding.

Agreement
between
township
and Thomas
Clements
confirmed.

2. The execution by the Corporation of the Township of Barton of the agreement set out as schedule "B" hereto, and by Thomas Clements named therein, is hereby declared to be legal, valid and binding upon the said municipal corporation and every other municipal corporation which may hereafter be interested in the said lands and upon Thomas Clements, the party thereto of the second part, his heirs and assigns, the owners and occupants for the time being of the lands described in schedule "A" to such agreement or of that part of such lands as to which the said by-law shall have effect.

Taxes for
school pur-
poses and
local im-
provements
not affected.

3. Notwithstanding anything contained in the said by-law or in the said agreement, the lands, property and business

to

to which the said by-law and agreement relate shall for school purposes and local improvements be assessed and liable to taxation in all respects as though the said by-law and agreement had not been passed.

BY-LAW NO. 1192,

Respecting the assessment of parts of lots one and two, in the first and broken front concessions of the Township of Barton, for a period of twenty years.

Whereas, Thomas Clements, Comptroller of Firestone Tire & Rubber Company, of Akron, Ohio, U.S.A., has purchased parts of lots one and two in the broken front, and parts of lots one and two in the first concession of the Township of Barton, containing 94.44 acres, more or less, and holds the same in trust for a company or companies to be incorporated for the purpose of acquiring the said lands and establishing thereon a tire and rubber plant, and another allied industry or other allied industries, if thought fit so to do;

And whereas the Council of the Corporation of the Township of Barton deems it desirable to aid the company or companies so to be incorporated, by fixing the assessment of the said lands for a period of twenty years, upon the terms and conditions set forth in the draft agreement appended to this by-law;

Be it therefore enacted by the Municipal Council of the Corporation of the Township of Barton:

1. For the purpose mentioned in the preamble, the assessment of the lands described in the schedule to the draft agreement hereunto annexed, shall be fixed at the sum of five hundred dollars per acre, and the assessment of the buildings and improvements which may be on the said lands for such industrial purposes shall be fixed at the sum of sixty thousand dollars during the period of ten years from the date of the final passing of this by-law.

2. For the purpose mentioned in the preamble, the assessment of the lands described in the schedule to the draft agreement hereunto annexed shall be fixed at the sum of seven hundred and fifty dollars per acre, and the assessment of the buildings and improvements which may be on the said lands for such industrial purposes shall be fixed at the sum of ninety thousand dollars, during the ten years following the period of ten years mentioned in section 1 hereof.

3. The provisions hereinbefore contained as to assessment shall be subject to the terms and conditions of the draft agreement hereunto annexed.

Passed the 20th day of November, 1919.

W. A. CROCKETT,
Reeve.

ALFRED G. E. BRYANT
Clerk.

An agreement made the ninth day of October, one thousand nine hundred and nineteen,

Between

The Corporation of the Township of Barton (hereinafter called the corporation) of the first part,

and

Thomas Clements, of the City of Akron, in the State of Ohio, one of the United States of America, Comptroller of Firestone Tire & Rubber Company, of the second part.

Whereas the party of the second part has purchased the lands and premises described in schedule "A" hereto, and holds the same in trust for a company or companies to be incorporated for the purpose of acquiring the said lands and establishing thereon a tire and rubber plant and another allied industry or other allied industries, if thought fit so to do, and the corporation has agreed in manner hereinafter appearing;

Now this agreement witnesseth as follows:—

1. The corporation shall forthwith, after the execution of this agreement by the party of the second part, take all proceedings necessary to give effect by by-law to the terms of this agreement, including the submission of such by-law for the assent of the electors in the manner required by *The Municipal Act*.

2. The party of the second part, his heirs and assigns, the owners and occupants for the time being of the lands or part of the lands described in schedule "A" hereto, shall within six months after the final passing of such by-law, commence and diligently proceed with the erection and equipment of a factory building or buildings on the said lands, and shall from and after the completion of the said factory building or buildings and equipment and during the continuance of the twenty years mentioned in such by-law, pay in wages in each calendar year the sum of at least \$250,000.

3. In case of fire during the said period of twenty years which shall render it impossible for the time being for the party of the second part, his heirs and assigns, the owners and occupants for the time being of the lands or part of the lands described in schedule "A" hereto, to continue the business being carried on by him or them in any or all of its branches, then if he or they shall forthwith proceed to rebuild and restore the buildings to their former condition of efficiency for the purpose of resuming and continuing business at the earliest time practicable, he and they shall be relieved *pro tanto* of his and their undertaking to pay the amount of wages in each calendar year hereinbefore mentioned, and the wages during the period of reconstruction shall be estimated proportionately for the portion of such year or years during which the factory could have been operated to full capacity.

4. In pursuance of its agreement in that behalf and in consideration of the premises, the corporation agrees with the party of the second part, his heirs and assigns, the owners and occupants for the time being of the lands or part of the lands described in schedule "A" hereto, that for a period of ten years from the final passing of the said by-law, the assessment of the lands described in schedule "A" hereto, shall be fixed at five hundred dollars per acre, and that during the said period the assessment of the buildings and improvements which may from time to time be on the said lands for industrial purposes, shall be fixed at sixty thousand dollars, provided that the agreement herein contained shall be

effective

effective only so long as the party of the second part, his heirs or assigns, the owners and occupants for the time being of the lands or part of the lands described in schedule "A" hereto, shall use the said lands for the industrial purposes hereinbefore mentioned.

5. In pursuance of its agreement in that behalf and in consideration of the premises, the corporation agrees with the party of the second part, his heirs and assigns, the owners and occupants for the time being, of the lands or part of the lands described in schedule "A" hereto, that during the ten years following the period of ten years mentioned in the preceding clause, the assessment of the lands described in schedule "A" hereto, shall be fixed at seven hundred and fifty dollars per acre, and that during the said period of ten years following the period of ten years mentioned in the preceding clause, the assessment of the buildings and improvements which may from time to time be on the said lands for industrial purposes, shall be fixed at ninety thousand dollars, provided that the agreement herein contained shall be effective only so long as the party of the second part, his heirs or assigns, the owners and occupants for the time being of the lands or part of the lands described in schedule "A" hereto, shall use the said lands for the industrial purposes hereinbefore mentioned.

6. Notwithstanding anything hereinbefore contained, it is expressly agreed that should any part or parts of the lands described in schedule "A" hereto, be sub-divided into building lots or used for other than the industrial purposes hereinbefore mentioned, the lands so subdivided or used and any buildings and improvements erected thereon, shall not be subject to the terms of this agreement, but shall be liable to assessment in the same manner as other real property in the township.

7. The corporation shall forthwith, after the assent of the electors has been obtained to the said by-law and the final passing thereof, petition the Legislative Assembly of the Province of Ontario to have the said by-law and this agreement declared to be legal, valid and binding upon the corporation and upon the party of the second part, his heirs and assigns, the owners and occupants for the time being of the lands or part of the lands described in schedule "A" hereto.

8. The party of the second part shall pay the costs, charges and expenses in connection with or incidental to the submission to the ratepayers of such by-law and of the application to the Legislative Assembly.

In witness whereof, the reeve and the clerk of the corporation have set their hands and affixed the seal of the corporation hereto, and the party of the second part has hereunto set his hand and seal.

Signed, sealed and delivered
in the presence of
B. M. ROBINSON.

ALFRED G. E. BRYANT,
Clerk.
W. A. CROCKETT,
Reeve.

(Seal of Corporation).

(Seal).

THOMAS CLEMENTS.

SCHEDULE "A."

DESCRIPTION OF LANDS REFERRED TO IN THE FOREGOING AGREEMENT.

All that certain parcel or tract of land situated in the Township of Barton, in the County of Wentworth, composed of parts of lots numbers one and two, in the broken front and first concession described as follows:—Commencing at a stone monument, planted, at the intersection of the northern limit of the road allowance (not opened), between the broken front and first concessions, with the eastern limit of the road allowance between lots numbers two and three, now called Kenilworth Avenue; thence north eighteen degrees, east along said eastern limit of Kenilworth Avenue, sixty feet and eight inches to the southwesterly angle of the lands of National Steel Car Company, Limited; thence north fifty-two degrees and thirty minutes, east along the northeastern limit of the lands of National Steel Car Company, Limited, one hundred and eight feet and eleven inches to the southern limit of that company's lands; thence south seventy-two degrees and thirty-eight minutes, east along the southern limit of the lands of National Steel Car Company, Limited, seven hundred and thirty-nine feet and one inch to the eastern limit of that company's lands; thence north, eighteen degrees east, and parallel with the eastern limit of Kenilworth Avenue, two thousand one hundred and seventy-one feet and one inch more or less to the southern limit of the lands of Dominion Power and Transmission Company, Limited; thence south seventy-one degrees and fifteen minutes east, along the southern limit of said Power Company's lands, six hundred and thirty-five feet to the eastern limit of that company's lands; thence north, eighteen degrees east, and following along the eastern limit of said power company's lands, nine hundred and sixty feet and five inches; thence south seventy-one degrees and fifteen minutes, east six hundred feet and four inches, more or less to the western limit of that portion of lot number one in the broken front concession now owned by the City of Hamilton; thence south eighteen degrees and nineteen minutes, east along the western limit of said city's lands and the production thereof, southerly three thousand one hundred and twenty feet, more or less to the northern limit of the Beach Road; thence southwesterly along the northern limit of the Beach Road, two thousand one hundred and ninety-six feet more or less, to the eastern limit of Kenilworth Avenue; thence north eighteen degrees east along the eastern limit of Kenilworth Avenue, seven hundred and two feet more or less, to the place of beginning, the above described parcel of land containing ninety-four and forty-four one hundredths acres, more or less.

CHAPTER 112.

An Act respecting the City of Brantford.

Assented to June 4th, 1920.

WHEREAS the Corporation of the City of Brantford ^{Preamble.} has, by its petition, prayed for special legislation in respect of the several matters hereinafter set forth; and whereas by Patent bearing date the 5th day of November, 1851, the Crown did grant to the Municipal Council of the Town of Brantford the West Market Square, containing one and six-tenths acres and now known as the Market Square and bounded on the north by Dalhousie Street, on the east by George Street, on the south by Colborne Street, and on the west by Market Street; and whereas by a decree of the Court of Chancery of Upper Canada bearing date the 8th day of November, 1858, the said Court decreed that the said lands and premises were laid out and dedicated by Her Majesty's Government for the sole purpose of a Market Square, to be used for market purposes only; and whereas it is desirable that the Municipal Council of the Corporation of the City of Brantford should be at liberty to sell and dispose of said Market Square or to devote same to such uses as to said Council shall seem desirable upon a suitable Market Square being provided elsewhere; and whereas it is desirable to validate and confirm certain by-laws of the Corporation of the City of Brantford set forth in schedule "A" hereto to enable the said corporation the more readily and profitably to dispose of its debentures; and whereas no objections have been made to any of said by-laws; and whereas it is expedient to grant the prayer of said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws may be passed with the assent of the ^{Power to} electors qualified to vote on money by-laws by the Muni- ^{sell market} square. cipal Council of the Corporation of the City of Brantford to sell and dispose of the lands and premises known as the Market

Market Square, containing one and six-tenths acres, and bounded on the north by Dalhousie Street, on the east by George Street, on the south by Colborne Street, and on the west by Market Street.

Power to
use square
for other
than market
purposes.

2. By-laws may be passed with the assent of the electors qualified to vote on money by-laws by the Municipal Council of the Corporation of the City of Brantford to devote the lands and premises known as the Market Square, containing one and six-tenths acres, and bounded on the north by Dalhousie Street, on the east by George Street, on the south by Colborne Street, and on the west by Market Street, to such purposes other than market purposes as shall be specified in such by-laws.

Market
site to be
provided.

3. No by-law shall be passed under the provisions of sections 1 or 2 hereof until the Municipal Council of the Corporation of the City of Brantford shall provide a suitable site for market purposes.

Confirmation
of by-laws.

4. The by-laws of the said corporation specified in schedule "A" hereto, and all debentures issued, or to be issued thereunder, and all assessments made or to be made, and all rates levied or to be levied for the payment thereof are validated and confirmed and the corporation is declared to have had power to pass, issue and levy the same.

SCHEDULE "A."

No. of By-law.	Nature of Work under By-law.	When Passed by Council.	Total Cost of Work.	City's Share.	Ratepayers' Share.	Period of payment Years.	Rate of Interest.
1581	Local Improvement debentures to pay for the construction of concrete pavements..	Feb. 9th, 1920	\$199,164 00	\$108,742 00	\$90,422 00	10 yrs.	6%
1582	Local Improvement debentures to pay for the construction of storm sewers.....	Feb. 9th, 1920	85,988 00	38,696 00	47,292 00	20 yrs.	6%
1584	Local Improvement debentures to pay for the construction of sanitary sewers....	Feb. 9th, 1920	57,481 00	17,755 00	39,726 00	20 yrs.	6%
1427	To provide for issue of debentures for construction St. Paul Avenue subway.....	June 3rd, 1918	40,000 00	40,000 00	.....	20 yrs.	5½%
1599	To provide for the issue of debentures for additions and improvements to the Brantford General Hospital and the Isolation Hospital	April 8th, 1920	185,000 00	185,000 00	.....	20 yrs.	5½%
1600	To provide for the issue of debentures for the construction of a bridge across the Grand River to replace the present bridge known as Lorne Bridge	April 8th, 1920	211,000 00	211,000 00	.....	20 yrs.	5½%
1601	To provide for the issue of debentures for additions and improvements to the Brant Sanitarium	April 8th, 1920	20,000 00	20,000 00	.....	20 yrs.	5½%
1602	To provide for the issue of debentures for extension and improvement of the Street Railway System	April 8th, 1920	125,000 00	125,000 00	.....	20 yrs.	5½%

CHAPTER 113.

An Act respecting the Town of Burlington.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the Town of Burlington has, by petition, represented that there is an outstanding indebtedness of the Town of Burlington amounting to the sum of \$8,100.00, which said indebtedness has been accumulating since 1914, and the entire amount of which has been spent for patriotic purposes, as set out in by-law No. 402 of the Town of Burlington, and the said municipality has, by its petition, represented that it is not expedient to pay the said indebtedness otherwise than by the issue of debentures therefor and has passed said by-law No. 402 of the Town of Burlington authorizing the issue of debentures for the amount of \$8,100.00 and payable over a period of five years, and has petitioned that an Act may be passed to confirm and legalize the said by-law, and the debentures to be issued thereunder; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law
No. 409
confirmed.

1. By-law No. 409 of the Corporation of the Town of Burlington set forth in full in schedule "A" to this Act is hereby ratified and confirmed and declared to be legal, valid and binding upon the municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the municipality to pass the said by-law.

Confirma-
tion of
debentures.

2. The debentures issued, or to be issued, under, or in pursuance of the provisions of the said by-law, are ratified and confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any defect in substance or in form of the said by-law, or debentures, or in the manner of passing or issuing the same, and the said Corporation of the Town of Burlington is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said by-law No. 409.

TOWN OF BURLINGTON.

By-law No. 409.

A by-law to authorize the issue of debentures for the sum of \$8,100.00 for the purpose of paying off part of the floating indebtedness of the Town of Burlington, incurred through patriotic expenditure.

Whereas the Corporation of the Town of Burlington has an outstanding floating indebtedness incurred on account of money expended for patriotic purposes amounting to \$8,100.00;

And whereas it is not expedient that the said indebtedness should be paid at once out of the current year's taxes and it is desirable to issue debentures for the said sum of \$8,100.00 and to spread the re-payment thereof over a period of five years;

And whereas it is expedient to make the principal of the said debt re-payable in yearly sums during the period of five years of such amounts respectively, that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

And whereas it will be necessary to raise annually the sum of \$1,922.91 during the said period of five years to pay the yearly sums of principal and interest as they become due;

And whereas the amount of the whole rateable property of the Town of Burlington, according to the last revised assessment roll is the sum of \$1,404,363.74. And whereas the total amount of the existing debenture debt of the said municipality is the sum of \$381,590.99, and no part of either principal or interest is in arrears;

Therefore the Municipal Council of the Town of Burlington enacts as follows:—

1. That for the purpose aforesaid there shall be raised the sum of \$8,100.00 and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of six per cent. per annum and coupons attached thereto for the payment of interest.

2. Debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed and may bear any date within such two years and shall be payable in five annual instalments during the five years next after the same are issued and the respective amounts of principal and interest in each of such years shall be as follows:—

No.	Principal.	Interest.	Total.
1.	\$1,436 91	\$486 00	\$1,922 91
2.	1,523 13	399 78	1,922 91
3.	1,614 52	308 39	1,922 91
4.	1,711 38	211 53	1,922 91
5.	1,814 06	108 85	1,922 91

3. The mayor of the corporation shall sign and issue the debentures and interest coupons and the same shall also be signed by the treasurer of the corporation and the debentures shall be sealed with the seal of the corporation. The signatures to the coupons may be lithographed or engraved. The said debentures shall be payable at the Royal Bank of Canada in the Town of Burlington.

4. During the five years the currency of the debentures there shall be raised annually by a special rate on all the rateable property of the Town of Burlington, the sum of \$1,922.91 for the purpose of paying the amount due in each of the said years for principal and interest in respect to the said debt.

5. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

6. This by-law shall not come into force, or be of any effect whatsoever until after the Municipal Council of the Town of Burlington shall have been empowered and authorized to pass the same, and until the said by-law shall have been declared valid and binding upon the said municipality by an Act of the Legislative Assembly of the Province of Ontario.

Passed this 7th day of April, A.D. 1920.

HUGHES CLEAVER.

Mayor.

[Seal.]

JAS. S. ALLEN,

Clerk.

CHAPTER 114.

An Act respecting the County of Carleton.

Assented to June 4th, 1920.

WHEREAS the Municipal Corporation of the County Preamble.
of Carleton has, by petition, prayed for special legis-
lation in regard to the matters hereinafter set forth; and
whereas the council of said corporation for the purpose
of expropriating all toll roads situate within the County of
Carleton, passed on the 31st day of January, A.D. 1920,
by-laws numbers 674, 675, 677 and 678, respectively; and
whereas pursuant to Orders of His Honour Judge Constan-
tineau as Acting-Judge of the County of Carleton, dated
the 6th day of February, 1920, but without payment into
the Supreme Court of a sum sufficient in the opinion of the
judge, to satisfy the compensation as required by *The Muni-* Rev. Stat.,
c. 192.
cipal Act, section 324 (1), the toll road companies, at
the request of the Corporation of the County of Carleton,
waiving their rights to payment of such sum into court,
the warden of the said corporation, in the name and on
behalf of the said corporation, entered upon and took pos-
session of the toll roads of the Ottawa and Gloucester Road
Company, the By-Town and Nepean Road Company, the
Nepean and North Gower Consolidated Macadamized Road
Company, the Ottawa, Montreal and Russell Consolidated
Road Company and all others the owners of the toll roads
situate within the County of Carleton, within the meaning
of *The Toll Roads Act*; and whereas the council of the Rev. Stat.,
c. 210.
said corporation contemplates the expenditure of large sums
of money in the construction, maintenance and repairs of
the said former toll roads, and is desirous of validating the
possession thereof by the corporation; and whereas the
Ottawa Suburban Road Commission on the 26th day of
February, 1920, designated or purported to designate certain
county roads as "Suburban Roads," and it is desirable that
said designation should be confirmed and validated; and
whereas the said corporation on the 5th day of November,
1919, passed by-law number 668 to provide forty thousand
dollars (\$40,000.00) for the construction of a bridge upon
a county highway, which said by-law was amended by by-law
number

Rev. Stat.,
c. 40.

5 Geo. V.,
c. 17.

Rev. Stat.,
c. 40.
Rev. Stat.,
c. 192.

number 682, passed on the 13th day of February, 1920, which said amending by-law did not increase the liability of the corporation but effects clerical rectification only; and whereas the said corporation on the 13th day of February, 1920, passed by-law number 684 to provide one hundred and fifty thousand dollars (\$150,000.00) to be expended upon the highways of the County of Carleton (exclusive of all "Suburban Roads"), under *The Highway Improvement Act* and other Acts; and whereas the said corporation having taken possession of all toll roads within the County of Carleton has now within the system of county highways approximately three hundred and fourteen (314) miles of highway; and whereas under *The Ontario Highways Act, 1915*, the Ottawa Suburban Road Commission has designated approximately thirty-nine (39) miles of county highways as "Suburban Roads" and the said commission contemplates large expenditures of money for the construction, maintenance and repair of durable high class roads, to provide money for which expenditures and other increased expenditures upon other county highways, it is expedient that the council of the said municipal corporation be authorized to raise same by debentures, as provided by *The Highway Improvement Act* and *The Municipal Act*, and exceeding three per centum (3%) of the equalized assessment of the County of Carleton; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos.
674, 675, 677
and 678
confirmed.

Rev. Stat.,
c. 210.

1.—(1) By-laws numbers 674, 675, 677 and 678, respectively, of the Municipal Corporation of the County of Carleton are hereby confirmed and declared to be legal, valid and binding upon the owners, as defined by section 75 (a) of *The Toll Roads Act*, of the toll roads in the said by-laws mentioned and described, and upon the said municipal corporation and the ratepayers thereof.

Validating
designation
of "Subur-
ban Roads."

(2) The by-law of the Ottawa Suburban Road Commission, passed on the 26th day of February, 1920, designating "Suburban Roads," and a true copy of which is set forth as schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding upon all corporations and persons concerned therewith or intended to be affected thereby.

Toll roads
vested in
County.
Rev. Stat.,
c. 210.

2.—(1) The roads, as defined by *The Toll Roads Act*, section 75 (b), called "toll roads" in and intended to be expropriated

expropriated by said by-laws numbers 674, 675, 677 and 678, are hereby vested in the said the Municipal Corporation of the County of Carleton, its successors and assigns, for all the estate, right, title and interest of the aforesaid defined owners of said roads, and are hereby declared to be and have been, since the 7th day of February, A.D. 1920, highways within the meaning of section 433, and to be not excepted by section 435, respectively, of *The Municipal Act*. Rev. Stat., c. 192.

(2) Notwithstanding anything in this Act contained, the said owners of the said former toll roads shall have the same rights as regards compensation and the settlement or awarding thereof under *The Toll Roads Act* and *The Municipal Act*, as if this Act had not been passed. Saving rights of "toll roads" owners.
Rev. Stat., c. 210.
Rev. Stat., c. 192.

(3) Notwithstanding anything in this Act contained, the engineers of The Ottawa and Gloucester Road Company, The Bytown and Nepean Road Company, The Nepean and North Gower Consolidated Macadamized Road Company and The Ottawa, Montreal and Russell Consolidated Road Company severally may at any time prior to the 1st day of June, 1920, enter upon such of said suburban roads (formerly toll roads) as was or were formerly owned by each respective toll road company, and open test pits and take measurements for the purpose of obtaining evidence of the physical condition of said roads; but should such entry be made and test pits opened by said engineers except in conjunction with and under the supervision of the county engineers of the County of Carleton, each of said companies shall be liable for any loss or damage incurred or sustained by any person or corporation by reason of or incidental to the work of said company's engineers. Power of engineers to enter on road for investigation.

(4) The roads designated in the by-law set forth as schedule "A" hereto, are hereby declared to be and have been, since the 26th day of February, A.D. 1920, "Suburban Roads" within the meaning of *The Ontario Highways Act, 1915*. Declaring "Suburban Roads."
5 Geo. V, c. 17.

(5) The appropriations in the current year by the Council of the Corporation of the County of Carleton of \$40,000, for the construction and \$20,000, for the maintenance and repairs of said "Suburban Roads" and the notification of the amounts so appropriated given to the Corporation of the City of Ottawa by the clerk of said county, are hereby declared to be legal, valid and binding upon both the said municipal corporations and the ratepayers thereof. Validation of appropriations by county and notification to city.

3.—(1) By-laws numbers 668, 682 and 684 of the Municipal Corporation of the County of Carleton, true copies of which Validating by-laws.

which are set forth as schedules "B," "C" and "D," respectively, to this Act, are hereby declared to be legal, valid and binding upon the said municipal corporation and the rate-payers thereof.

Confirmation
of rates.

(2) The rates imposed by and to be levied under the said by-laws for the payment of the debentures authorized thereby, or intended so to be, and the interest thereon are also confirmed and declared to be valid and binding upon the said corporation and the ratepayers thereof.

Confirmation
of debentures.

(3) All debentures issued or to be issued or purporting to be issued under the said by-laws numbers 668, 682 and 684, are confirmed and declared to be valid and binding upon the said corporation, and it shall not be necessary for the purchaser of such debentures to enquire into the validity of the proceedings relating to the issue of the same, or to see to the application of the purchase money therefor.

Short title.

4. This Act may be known and cited as *The County of Carleton Act, 1920*.

SCHEDULE "A."

BY-LAW No. .

A BY-LAW OF THE OTTAWA SUBURBAN ROAD COMMISSION
TO DESIGNATE "SUBURBAN ROADS."

The Ottawa Suburban Road Commission, pursuant to authority and powers bestowed, doth hereby enact that those certain roads or highways in the county system of highways of the Municipal Corporation of the County of Carleton, hereinafter described, be and are hereby designated as "Suburban Roads," namely:—

(a) That part of the former toll road known as the Richmond Road, which may be particularly described as follows: Commencing on Wellington Street at the intersection thereof by the westerly limit of the City of Ottawa; thence running south-westerly along said Richmond Road across concessions 1 and 2, Ottawa Front, Township of Nepean to the base line, between the Ottawa and Rideau Fronts of the said township, opposite lot 14, and continuing along said base line to the junction of said Richmond Road and Provincial County Road Number 88 at the place colloquially known as "Bells Corners";

(b) The Merivale Road, being the former toll road extending from the road known as Carling Avenue, being the southerly limit of the City of Ottawa; thence across concession "A," Rideau Front, Township of Nepean, to the road allowance between concessions "A" and 1, Rideau Front, thence along said last-mentioned road allowance to the road allowance between Lots 25 and 26 in said Rideau Front;

(c) The Bowesville Road, being that former toll road and the projection thereof which may be particularly described as follows: Commencing at the south side of Metcalfe Road at the south-easterly end of Billings Bridge and running thence along the old toll or forced road across Junction Gore and the base line between the said Junction Gore and Rideau Front concessions of the Township of Gloucester and continuing thence across Lots "A", 1, 2, 3 and 4 to the junction of the River or Manotick and Bowesville Roads and continuing thence along said Bowesville Road across Lots 4 and 5 in the second concession, Rideau Front, to the allowance for road between lots 5 and 6;

(d) The Metcalfe Road, being that former toll road which may be particularly described as follows, namely: Commencing at the south-easterly end of Billings Bridge and running thence along the forced road known as the Metcalfe Road, and formerly known as the Prescott Road across the Junction Gore and concessions 3 and 4, Rideau Front, of the Township of Gloucester, to the road allowance between concessions 4 and 5 in said Rideau Front, opposite lot 14, thence running southerly along the road allowance between lots 4 and 5 to the boundary road allowance between the Townships of Gloucester and Osgoode;

(e) The Russell Road, being that former toll road commencing at the intersection of the River and Montreal Forced Roads at Cummings Bridge in the Town of Eastview; thence running southerly and easterly along the River Road to Hurdman's Bridge and continuing thence easterly and southerly along the forced road crossing the Junction Gore and lots 27, 26 and 25, in the Ottawa Front of the Township of Gloucester and continuing thence across the base line and lots "A" and 1 in the sixth concession, Rideau Front, of said township to the existing road or boundary between lots 1 and 2;

(f) The Montreal Road, being the former toll road, which may be particularly described as follows: Commencing at Cummings
Bridge

Bridge and running thence along the macadamized and forced road known as the Montreal Road across the Junction Gore and concession 1, Ottawa Front, of the Township of Gloucester, to the boundary road between the Counties of Carleton and Russell.

Passed by the said commission and confirmed and verified under the hands of the subscribing commissioners and the corporate seal, this 26th day of February, A.D. 1920.

(Sgd.) F. A. HENEY,
Acting Chairman.
(Sgd.) B. ROTHWELL,
(Sgd.) WM. Y. DENISON,
Commissioners.

SCHEDULE "B."

BY-LAW No. 668.

OF THE MUNICIPAL CORPORATION OF THE COUNTY OF CARLETON.

A by-law to provide forty thousand dollars (\$40,000) to be expended for the construction of a bridge at the intersection of the Mississippi River and that road within the system of county roads situate at the front of lot sixteen in the fourth concession of the Township of Fitzroy.

Whereas the Municipal Corporation of the County of Carleton, by its by-law No. 542, passed on the fourteenth day of December, 1919, adopted a plan for the improvement of highways throughout the county, pursuant to *The Highways Improvement Act*, then in force, which said by-law received the assent of over two-thirds of the council of the said municipal corporation, representing at least one-half of the total equalized assessment of the said county, and was duly approved by the said Lieutenant-Governor in Council, as appears by Order-in-Council dated the 30th day of December, 1909;

And whereas the said by-law has been since amended, but not so as to change the location of the county road at the situation of the bridge aforesaid;

And whereas the council of the said municipal corporation is hereunto authorized by *The Municipal Act* and *Highway Improvement Act* and amending Acts;

And whereas it is deemed expedient to raise by debentures, payable in not more than thirty years, the sum of forty thousand (\$40,000) dollars for the construction and improvement of the county highways by the erection of said bridge, and otherwise;

And whereas in order thereto it will be necessary to issue debentures of the said municipal corporation for the said sum as hereinafter provided (which is the amount of the debt created by this by-law) the proceeds of the said debentures to be applied to the purposes aforesaid and to no other;

And whereas it is deemed desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of thirty (30) years, being the currency of the said debentures; said yearly sums being of such respective amounts or aggregates that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine (29) years of the said period;

And

And whereas it will be necessary that the yearly sum of two thousand seven hundred and fifty-two 22/100 dollars shall be raised by special rate on all rateable property in the said County of Carleton in each year during the said thirty (30) years for the payment of the said debt and interest;

And whereas the whole rateable property of the said County of Carleton, according to the last revised and equalized assessment rolls of the local municipalities of which the said County of Carleton is composed is nineteen million, seven hundred and thirty-four thousand one hundred and seventy-seven dollars (\$19,734,177.00);

And whereas the amount of the debenture debt of the said County of Carleton is not more than four hundred and fifteen thousand two hundred and sixty-seven 87/100 dollars (\$415,267.87) whereof no part of the principal or interest is in arrears;

Therefore the Council for the Municipal Corporation of the County of Carleton enacts as follows:—

1. That for the purpose of raising the said sum debentures of the said Municipal Corporation of the County of Carleton to the amount of forty thousand dollars (\$40,000.00) as aforesaid in sums of not less than one hundred dollars (\$100.00) each, and of such sums that the aggregate amount of principal and interest payable in each year shall be as nearly as possible equal to the aggregate amount of principal and interest payable in each of the other twenty-nine years of the currency of the said debentures, shall be issued on the first day of December, A.D. 1919; each of which said debentures shall be payable within thirty (30) years thereafter, namely, on or before the first day of December, A.D. 1949, at the Somerset Street branch of the Union Bank of Canada, in the City of Ottawa, in the County of Carleton and Province of Ontario.

2. That each of the said debentures shall be signed by the warden of the said county, or by some other person authorized by by-law to sign the same, and by the treasurer of the said county, and the clerk of the said county shall seal the said debentures with the seal of the said municipal corporation.

3. That the said debentures shall bear interest at the rate of six (6) per centum per annum, payable yearly at the said Somerset Street branch of the Union Bank of Canada, on the first day of December in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said treasurer, and his signature to them may be written, stamped, lithographed or engraved.

4. That during the currency of the said debentures there shall be raised in each year by special rate on all rateable property in the said County of Carleton the sum of two thousand seven hundred and fifty-two 22/100 dollars (\$2,752.22), for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

5. That this by-law shall take effect on the first day of December, A.D. 1919.

Passed in open council, having received the assent of two-thirds of the members of the county council, representing at least one-half of the total equalized assessment of the said county, and given under the hand of the warden and corporate seal of the Municipal Corporation of the County of Carleton this fifth day of November, A.D. 1919.

Certified,

CHAS. MACNAB,

County Clerk.

{Seal}.

W. HEMPHILL,

Warden.

SCHEDULE

SCHEDULE "C."

BY-LAW No. 682,

OF THE MUNICIPAL CORPORATION OF THE COUNTY OF
CARLETON.

A BY-LAW TO AMEND BY-LAW No. 668.

Whereas By-law No. 668, passed on the 5th day of November, A.D. 1919, is a by-law to provide forty thousand dollars (\$40,000.00) to be expended for the construction of a bridge at the intersection of the Mississippi River and that road within the system of county roads situate at the front of lot sixteen in the fourth concession of the Township of Fitzroy;

And whereas the said by-law fixes the rate of interest of debentures to be issued thereunder at the rate of six (6) per cent. per annum, to be payable annually;

And whereas the said By-law No. 668 enacts that during the currency of said debentures there shall be raised in each year by special rate on all rateable property in the said County of Carleton, the sum of two thousand seven hundred and fifty-two dollars and twenty-two cents (\$2,752.22) for the purpose of paying the amount due in each of said years for principal and interest in respect to the said debt;

And whereas it is desirable and expedient that during the currency of the said debentures there shall be raised in each year, by special rate on all rateable property in the said County of Carleton, the sum of two thousand nine hundred and five dollars and ninety-six cents (\$2,905.96) for the purpose of paying the amount due in each of the said years for principal and interest in respect to the said debt;

Now therefore the Council of the Municipal Corporation of the County of Carleton enacts as follows:

1. That the debentures authorized by By-law No. 668 of the Municipal Corporation of the County of Carleton, shall bear interest at the rate of six (6) per cent. per annum, payable yearly at the Somerset Street branch of the Union Bank of Canada, on the first day of December in each and every year of the currency thereof.

2. That By-law No. 668 of the Municipal Corporation of the County of Carleton be amended by striking out of the preamble and paragraph four (4) thereof, and elsewhere wherever the said words and figures appear, the words and figures "two thousand seven hundred and fifty-two dollars and twenty-two cents (\$2,752.22)," and substituting in lieu thereof the words and figures, "two thousand nine hundred and five dollars and ninety-six cents."

3. That this by-law shall have retroactive and retrospective effect, and from and after the passing thereof shall be effective as, of, and from the 1st day of December, A.D. 1919.

Passed in open council, having received the assent of two-thirds of the members of the County Council, representing at least one-half of the total equalized assessment of the said county, and given under the hand of the warden and corporate seal of the Municipal Corporation of the County of Carleton, this 13th day of February, A.D. 1920.

(Corporate Seal.)

(Certified.)

(Signed) CHAS. MACNAB,
County Clerk.(Signed) ROBT. PRESTON,
Warden.

SCHEDULE

SCHEDULE "D."

BY-LAW No. 684.

OF THE MUNICIPAL CORPORATION OF THE COUNTY OF
CARLETON.

A by-law to provide one hundred and fifty thousand dollars (\$150,000.00) to be expended upon the system of county highways of the County of Carleton (exclusive of all "Suburban Roads"), under *The Highway Improvement Act, The Ontario Highways Act, 1915*, and amending Acts, and By-law No. 542 of the Municipal Corporation of the County of Carleton and amending by-laws:

Whereas the Council of the Municipal Corporation of the County of Carleton by By-law No. 542, passed on the 14th day of September, A.D. 1909, took advantage of *The Highway Improvement Act* then in force and adopted a plan for the improvement of highways throughout the county, by assuming highways in local municipalities in the county, pursuant to the said Act, which said by-law received the assent of two-thirds of the council of the said municipal corporation, representing at least one-half of the total equalized assessment of the said county and was duly approved by the Lieutenant-Governor in Council, as appears by Order in Council dated the 30th day of September, A.D. 1909;

And whereas the said By-law No. 542 has been since amended, but not so as to reduce the total mileage of county highways;

And whereas certain roads within the system of highways of the County of Carleton have been designated "provincial county roads";

And whereas the council of the said municipal corporation is by statutes hereunto authorized;

And whereas it is deemed expedient to raise by debentures, payable in not more than twenty (20) years from the day of the date of the issue thereof, the sum of one hundred and fifty thousand dollars (\$150,000.00) for the improvement of county highways (exclusive of "suburban roads") within the County of Carleton;

And whereas in order thereto it will be necessary to issue debentures of the said municipal corporation for the said sum as hereinafter provided (which is the amount of the debt created by this by-law), the proceeds of the said debentures to be applied to the purposes aforesaid and to no other;

And whereas it is deemed desirable to issue the said debentures at one time, and to make the principal of the said debt repayable in yearly sums during the period of twenty (20) years, being the currency of the said debentures, said yearly sums being of such respective amounts or aggregates that the aggregate amount payable in each year for principal and interest in respect to the said debt, shall be as nearly as possible equal to the amounts so payable in each of the other nineteen (19) years of the said period;

And whereas it will be necessary that the yearly sum of thirteen thousand and seventy-seven dollars and sixty-eight cents (\$13,077.68) shall be raised by special rate on all rateable property in the said County of Carleton, in each year during the said twenty (20) years, for the payment of the said debt and interest;

And whereas the whole rateable property of the said Municipal Corporation of the County of Carleton, according to the last revised and equalized assessment rolls of the local municipalities of which the said County of Carleton is composed, is nineteen million, seven hundred and thirty-four thousand, one hundred and seventy-seven dollars (\$19,734,177.00);

And

And whereas the total amount of the debenture debt of the said Municipal Corporation of the County of Carleton is not more than four hundred and fifteen thousand, two hundred and sixty-seven 87-100 dollars, whereof no part of the principal or interest is in arrears;

And whereas the amount of the debenture debt of the said Municipal Corporation of the County of Carleton, upon or for debentures issued to provide the moneys for expenditure on highways under *The Highway Improvement Act*, is not more than two hundred and ninety-three thousand, two hundred and twenty-five dollars and seventy-six cents (\$293,225.76), whereof no part of the principal or interest is in arrears;

Now therefore the Council of the Municipal Corporation of the County of Carleton enacts as follows:

1. That for the purpose of raising such sum debentures of the Municipal Corporation of the County of Carleton to the amount of one hundred and fifty thousand dollars (\$150,000.00), in sums of not less than one hundred dollars (\$100.00) each, and of such sums that the aggregate amount of principal and interest payable in each year shall be as nearly as possible equal to the aggregate amount of principal and interest payable in each of the other nineteen (19) years of the currency of the said debentures, shall be issued on or under date of the first day of December, A.D. 1920, each of which said debentures shall be payable within twenty (20) years thereafter, namely, on or before the first day of December, A.D. 1940, at the Somerset Street branch of the Union Bank of Canada, in the City of Ottawa, in the County of Carleton, in the Province of Ontario and Dominion of Canada.

2. That each of the said debentures shall be signed by the warden of the said county, or by some other person authorized by by-law to sign the same, and by the treasurer of the said county, and the clerk of the said county shall seal the said debentures with the corporate seal of the said municipal corporation.

3. That the said debentures shall bear interest at the rate of six per cent. (6%) per annum, payable annually at the said Somerset Street branch of the Union Bank of Canada, on the first day of December, in each and every year during the currency of the said debentures, and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the said treasurer, whose signature to said coupons may be written, stamped, lithographed, or engraved.

4. That during the currency of the said debentures there shall be levied and raised in each year, by special rate on all the rateable property in the said County of Carleton, the sum of thirteen thousand and seventy-seven 68/100 dollars for the purpose of paying the amount due in each of the said years for principal and interest in respect to the said debt.

5. That this by-law shall take effect on the first day of May, A.D. 1920.

Passed in open council, having received the assent of two-thirds of the Council of the Municipal Corporation of the County of Carleton, representing at least one-half of the total equalized assessment of the said county, and given under the hand of the warden and the corporate seal of the said municipal corporation, this 13th day of February, A.D. 1920.

(Signed) ROBT. PRESTON.

County Clerk.

(Seal.)

(Certified.)

(Signed) CHAS. MACNAB.

Warden.

CHAPTER

CHAPTER 115.

An Act respecting the Town of Cobourg.

Assented to June 4th, 1920.

WHEREAS the Corporation of the Town of Cobourg has, Preamble.
 by petition, represented that it has incurred a floating debt amounting to \$25,000 in addition to the ordinary expenses of the corporation for payment of which no fund has been provided, the said floating debt having arisen in part from grants for patriotic and Red Cross purposes and the Halifax relief fund, in improvements to the public parks and for a motor fire truck, unforeseen and urgent street improvements and bridges; and whereas the said corporation has represented that to liquidate the said floating debt forthwith in addition to meeting the current annual expenses would be unduly oppressive to the ratepayers; and whereas the said corporation has, by its petition, prayed that the various floating debts be consolidated and that it may be authorized to borrow money by the issue of debentures payable in annual instalments to discharge the said floating debt; and whereas the total debenture debt of the said corporation amounts to \$256,529.78 and that no arrears for principal or interest in connection therewith exists, and the total rateable property according to the last revised assessment roll is \$2,300,000, and that the sinking fund of the said corporation amounts to \$27,240.44; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the Town of Cobourg referred to as Consolidation of floating debts, are hereby consolidated at the sum of \$25,000, and it shall be lawful for the Corporation of the said Town of Cobourg to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate the sum of \$25,000 to pay off the said consolidated debt.

2.

Issue of
debentures.

2. It shall be lawful for the said Corporation of the Town of Cobourg from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums of not less than one hundred dollars and not exceeding \$25,000 in the whole as the said corporation may from time to time direct and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient.

Hypotheca-
tion of
debentures.

3. The Corporation of the said Town of Cobourg may for the purpose in section 6 hereof mentioned, raise money by way of loan on the said debentures or sell or dispose of said debentures from time to time as they may deem expedient.

Term of
debentures.

4.—(1) The said debentures shall be payable in not more than fifteen years from the date of issue thereof, and shall bear interest at a rate not exceeding six per cent. per annum, and may be issued with or without coupons attached thereto for interest, and shall be payable at such place or places as the corporation may deem expedient.

Equal
annual in-
stalments
of principal
and interest.

(2) The said debentures may be issued payable in equal annual instalments of principal and interest, in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as possible to what is payable for principal and interest during each of the other years of the period within which the debts are to be discharged.

Special
rate.

5. The said corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures to be issued under this Act to be called *The Consolidated Debenture Rate*.

Application
of proceeds
of debentures.

6. The said debentures and all monies arising therefrom shall be applied by the said corporation in payment of the said floating debts and in no other manner.

By-law
not to be
repealed.

7. Any by-law passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of
electors not
required.

8. It shall not be necessary to obtain the consent of the electors of the said Town of Cobourg to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Rev. Stat.,
c. 192.

9. It shall be the duty of the treasurer from time to time of the said town to keep and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth the full particulars of each debenture which shall from time to time be issued under the powers conferred by this Act and the amounts derived from the sale thereof and such book of account shall be open to inspection by any ratepayers of the said town at all reasonable hours.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Cobourg from any indebtedness or liability not included in the said floating debts of the said Town of Cobourg.

11. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be deemed inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act and no irregularity in form of the said debentures or any of them authorized to be issued by this Act or any of the by-laws or by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or by-laws or issue of debentures or as to the application of the proceeds thereof.

CHAPTER 116.

An Act respecting the Township of Cornwall and the Ottawa and New York Railway Company.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Municipal Corporation of the Township of Cornwall, by petition, has prayed that an Act may be passed confirming a certain by-law being by-law No. 981 of the said township for the year, A.D. 1919, and a certain agreement made between the Corporation of the Township of Cornwall and the Ottawa and New York Railway Company, which are fully set forth in schedules "A" and "B" respectively to this Act; and whereas the said by-law was unanimously passed by the Municipal Corporation of the Township of Cornwall and the said agreement was entered into upon terms and conditions which the said Township of Cornwall considers favourable; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 981 and agreement with Ottawa and New York Railway Co., confirmed.

Rev. Stat., c. 195.

1. By-law No. 981 of the Municipal Corporation of the Township of Cornwall for the year, A.D. 1919, together with the agreement therein referred to; the said by-law and agreement being respectively set forth in full in schedule "A" and "B" to this Act are hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

SCHEDULE "A."

TOWNSHIP OF CORNWALL.

BY-LAW No. 981.

A by-law respecting the assessment and taxation of the International Bridge, of the Ottawa and New York Railway Co.

Whereas the Ottawa and New York Railway Company is the owner of an international railway bridge, the portion of which north of the international boundary between the Dominion of Canada and the United States of America lies within the Township of Cornwall;

And whereas differences have heretofore existed between the Corporation of the Township of Cornwall, and the Ottawa and New York Railway Company with reference to the rights of the Corporation of the Township of Cornwall to assess and tax the portions of said bridge situate within the Township of Cornwall, and to impose upon the Ottawa and New York Railway Company taxes with respect thereto;

And whereas such differences exist both in respect of the legal rights of the Corporation of the Township of Cornwall to assess and tax the said portions of the said bridge, and in respect of the amount at which such property if assessable should be assessed;

And whereas it has been agreed between the Corporation of the Township of Cornwall and the Ottawa and New York Railway Company that for the purpose of settling such differences for the period of ten years the said portions of the bridge and other property hereinafter described may be assessed at the fixed sum of one hundred and fifty thousand dollars (\$150,000.00);

Therefore the council of the Corporation of the Township of Cornwall hereby enacts as follows:

1. For a period of ten years from and including the year one thousand nine hundred and nineteen up to and including the year one thousand nine hundred and twenty-eight, the said bridge, including the right of way, and all bridge and road construction between the international boundary on the south and the northerly line of the Cornwall Canal Reserve on the north, where said canal crosses lot number fourteen in the first concession of the said Township of Cornwall, shall be annually assessed (including business and all other assessments made by the corporation) at the sum of one hundred and fifty thousand dollars (\$150,000.00) in each and every year of the said period of ten years.

2. During the said period all municipal rates, taxes, levies and assessments made or levied against the said company with respect to the said described property or any portion thereof shall be made and levied upon the said fixed assessment of one hundred and fifty thousand dollars (\$150,000.00).

3. The legal rights of the Corporation of the Township of Cornwall and the Ottawa and New York Railway Company shall not be affected by anything herein contained, but at the close of the said period of ten years shall again be in all respects as they were prior to the execution of this agreement.

4. The Corporation of the Township of Cornwall shall petition the Legislature of Ontario for an Act to validate this agreement, such legislation to be obtained at the expense of the company as to the Government fee.

The

The reeve and township clerk are hereby authorized to enter into an agreement with the Ottawa and New York Railway Company embodying the terms of this by-law and to affix the seal of the Corporation of the Township of Cornwall thereto.

Passed, signed and sealed in open council this fifth day of May, 1919.

(Signed) P. A. NOLAN,
Reeve.

(Signed) J. W. McLEOD,
Clerk.

(Township Seal.)

SCHEDULE "B."

Agreement made this 7th day of April, A.D. 1919,

Between

The Corporation of the Township of Cornwall, hereinafter called "the corporation," of the first part,

and

The Ottawa and New York Railway Company, hereinafter called "the company," of the second part.

Whereas the company is the owner of that portion of an international railway bridge, which is north of the international boundary between the Dominion of Canada and the United States of America, which portion lies within the Township of Cornwall;

And whereas differences have heretofore existed between the corporation and the company with reference to the rights of the corporation to assess and tax the portions of said bridge situate within the Township of Cornwall, and to impose upon the company taxes with respect thereto;

And whereas such differences exist both in respect of the legal rights of the corporation to assess and tax the said portions of the said bridge, and in respect of the amount at which such property, if assessable, should be assessed;

And whereas it has been agreed between the corporation and the company that for the purpose of settling such differences for a period of ten years the said portions of the bridge and other property hereinafter described may be assessed at the fixed sum of one hundred and fifty thousand dollars;

Now therefore this agreement witnesseth that in consideration of the premises and of the mutual covenants hereinafter set forth the parties hereto for themselves, their successors and assigns covenant, promise and agree to, and with each other, in manner and form following, that is to say:

(1) For a period of ten years from and including the year one thousand nine hundred and nineteen up to and including the year one thousand nine hundred and twenty-eight, the said bridge, including the right of way and all bridge and road construction between the international boundary on the south and the northerly line of the Cornwall Canal Reserve on the north, where said canal crosses lot number fourteen in the first concession of the said Township of Cornwall, shall be annually assessed (including business and all other assessments made by the corporation) at the sum of one hundred and fifty thousand dollars (\$150,000.00) in each and every year of the said period of ten years.

(2) During the said period all municipal rates, taxes, levies and assessments made or levied against the said company with respect to the said described property or any portion thereof shall be made and levied upon the said fixed assessment of one hundred and fifty thousand dollars (\$150,000.00).

(3) The legal rights of the corporation and the company shall not be affected by anything herein contained, but at the close of the said period of ten years shall again be in all respects as they were prior to the execution of this agreement.

(4) The corporation shall petition the Legislature of Ontario for an Act to validate this agreement, such legislation to be obtained at the expense of the Company as to Government fees.

In witness whereof the parties hereto have hereunto affixed their respective seals under the hands of their respective proper officers in that behalf.

Signed, sealed, and delivered
in the presence of

(Signed) P. A. NOLAN,
Reeve.

(Signed) J. W. McLEOD,
Township Clerk.

as to signature of P. A. Nolan
and J. W. McLeod.

(Signed) J. C. MILLIGAN.

THE OTTAWA AND NEW YORK RAILWAY CO.

(Signed) W. K. VANDERBILT, JR.,
President.

State of New York }
County of New York. }

On this 14th day of May, 1919, before me personally, came William K. Vanderbilt, junior, to me personally known, who, being by me personally sworn, did depose and say that he resides at North Port, N.Y., that he is the president of the Ottawa and New York Railway Company, the corporation described in and which executed the foregoing instrument; that he knew the corporate seal of said corporation; that the seal affixed to the foregoing instrument was such corporate seal; that it was so affixed by authority of the board of directors of the said corporation, and that he signed his name thereto by the like authority, as president of said corporation.

(Signed) J. M. O'Mahoney.
Notary Public.
Bronx Co.

CHAPTER 117.

An Act to incorporate the Village of Crystal Beach.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Trustees of the Police Village of Crystal Beach and others have by their petition set forth that the Police Village of Crystal Beach in the Township of Bertie, County of Welland, which was established in the year 1885, and during the summer months has a population of upwards of 5,000 inhabitants and has an assessment of over \$350,000 in a territory of approximately five hundred acres, and the said petitioners have prayed that an Act may be passed for the purpose of incorporating the said Police Village into a Village, and whereas it is expedient that the prayer of said petition may be granted;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The inhabitants of the land described in section 2 are hereby constituted a Corporation or body politic under the name of the Corporation of the Village of Crystal Beach, separate and apart from the Township of Bertie.

Boundaries.

2. The said Village of Crystal Beach shall comprise and consist of all that part of the said Township of Bertie described as follows: Being composed of original Lot Number 25, in the broken Front Concession on Lake Erie, in said Township, also the South-west part of Township Lot Number 23, the south part of Township Lot Number 24, and the east half and the south part of the west half of Township Lot Number 26, in the said broken Front Concession; also part of allowance for road between said lots numbers 24 and 25, and of the Concession road between said broken front concession and the first concession from Lake Erie in said Township, together with the water lot in Lake Erie lying in front of said lots Numbers 24, 25 and 26, and the west part of Lot Number 23, the whole of which is particularly described as follows: Commencing at the northeast angle

angle of said original Township Lot Number 25; thence north thirty-three feet to the centre of the allowance for road between the Broken Front Concession and First Concession from Lake Erie in said Township; thence east thirty-three feet to the centre of the allowance for road between said lots numbers 24 and 25, being the place of beginning; thence south along the centre of said road allowance between said Lots Numbers 24 and 25, two thousand eight hundred feet more or less, to a point thirty-three feet west from the northwest angle of lot owned by Mr. Millard F. Hottinger, in said lot number 24; thence easterly along the north boundary of M. F. Hottinger's lot, two hundred feet; thence south six hundred and eighteen feet, more or less, to a point in the north limit of lot owned by J. R. Gardiner; thence east along the north limit of J. R. Gardiner's lot, two hundred and fifty feet, more or less, to the northeast angle of said lot; thence south two hundred and eight feet and seven-tenths of a foot; thence east nine hundred feet, more or less, to a point where this course would be intersected by the production north thirty-six degrees and twenty-seven minutes west of the westerly limit of sub-division lot number 44, as laid down on plan registered in the registry office for the County of Welland as number 44 for the Township of Bertie; thence south thirty-six degrees and twenty-seven minutes east along said produced limit and along said limit, five hundred and fifty feet, more or less, to the southwesterly angle of said sub-division Lot Number 44, and which said angle of said sub-division lot is a point in the high-water mark of Lake Erie; thence south twenty chains; thence westerly keeping at the average distance of twenty chains south from the high water mark of Lake Erie to a point where this course would be intersected by the southerly production of the centre line of the Schooley Road as laid down on Registered Plan Number 72 for said Township; thence north along said produced centre line of Schooley Road, twenty chains to a point in the high water mark of Lake Erie, thence north still along said produced line and along said centre line of Schooley Road, eight hundred feet, more or less, to a point which is twenty-five feet west of the northwest angle of land included in Registered Plan Number 64 for said Township; thence east, six hundred and sixty-seven feet, more or less, to a point in the west limit of land included in Registered Plan Number 62 for said Township; which is the line between the east and west halves of afore-said township lot number 26; thence northerly along said line between the east and west halves of said township lot number 26; three thousand four hundred feet, more or less, to a point which is thirty-three feet north from the north limit of said lot number 26, in said broken front concession;

thence

thence easterly along the centre of the allowance for road between said broken front concession and said first concession, nineteen hundred and seventy feet, more or less, to the place of beginning, and containing an area of two hundred and eighty acres, more or less, of land, and one hundred and thirty acres, more or less, of land covered by the waters of Lake Erie.

First
election of
council.

3. The Council of the Village shall be comprised as provided by *The Municipal Act* and for the first election of a Council for said Village, William J. Gibbs of the Township of Bertie is hereby appointed Returning Officer, and he shall hold the meeting for the nomination of candidates for the office of Reeve and Councillors, at the Fire Hall in the said Police Village or at some other place in such Police Village as may be selected by the Returning Officer, and in case of his absence, the electors present shall choose from among themselves a Chairman to officiate who shall have all the powers of a Returning Officer and the polling, in case a poll is required, shall be held at the place where the nomination meeting was held, and the duties of the Returning Officer shall be those prescribed by *The Municipal Act* with respect to Villages.

Qualifica-
tion.

4. The only qualification required by a person at the first election to entitle him to vote or to be a candidate for the office of Reeve or Councillor shall be that he or she is a British subject, is the owner of land in the limits of the Village of sufficient value to qualify the person as a voter or as a candidate for the office of Reeve or Councillor in a Township.

Vacancies.

5. If a vacancy occurs from any cause in the office of Reeve or Councillor before a voters' list for the Village has been prepared, the provisions of section 4 shall apply in an election to fill the vacancy.

Wards.

6. The Ontario Railway and Municipal Board may divide the Village into wards in accordance with *The Municipal Act* after the election of the Council for the year 1921 has been held.

Separation
from
township.

7. The land comprised in the said Village is hereby detached from the Township of Bertie and shall form a separate and independent municipality.

Village
to form
part of
existing
school
section.

8. The land comprised in the said Village shall be and remain a part of School Section No. 11 of the Township of Bertie for all purposes as though this Act had not been passed until a by-law approved by the Minister of Education has

has been passed by the Council of the said Village for the establishment of an Urban School Board.

9. Save as in this Act otherwise expressly provided, all the provisions of *The Municipal Act* and of any other general Act applicable to Villages, shall apply to the said Village to the same extent as if the said Village had been incorporated under the provisions of *The Municipal Act*. Application of provisions of Rev. Stat. c. 192.

10. The provisions of *The Municipal Act* as to the adjustment of assets and liabilities and as to matters consequent on the formation of new Corporations, shall apply as if the said land had been erected into a Village under that Act. Adjustment of assets and liabilities.

11. The Corporation of the said Village shall have the same power as the corporation of a town has under the provisions of *The Municipal Act* as to the construction and maintenance of sewers and the collection and removal and disposal of garbage. Power as to sewers and garbage.

12. The expense incurred in obtaining this Act and of furnishing any documents, copies of papers, writings, dates or any other matters whatsoever required by the Clerk or other officer of said Village or otherwise, shall be borne by the said Village and paid by it to any person who may be entitled thereto. Expenses of Act.

13. Notwithstanding anything in this Act contained, the Township of Bertie shall continue to have full power and authority to levy, collect and retain and use for its own purposes, all taxes properly levied or assessed against any of the lands in said town down to and including the taxes for the year 1920. Taxes for 1920.

14. This Act shall come into force from and after the first day of January, 1921, but the Returning Officer herein named shall proceed in December, 1920, with the election of the Council for said Village for the year 1921 as provided in *The Municipal Act*. Date when Act to take effect.

CHAPTER 118.

An Act respecting the Town of Dunnville.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the Town of Dunnville has, by petition, represented that the Public Utilities Commission of the Town of Dunnville has represented to the said corporation that the watermains in the said town are in many cases laid along property, the owners of which do not take water or pay anything to the revenue of the waterworks or the sinking funds or interest on the debentures issued by the municipality therefor, although such properties are increased in value thereby, and that in consequence thereof the revenue derived from the general water rates is less than it otherwise should be and that the revenue now derived from the waterworks system is insufficient to maintain the said system and that there is now no effective way of charging any unpaid special rates against the properties benefited by mains and have requested the council to obtain legislation to authorize the Public Utilities Commission to levy and collect the rate upon all properties fronting on streets, lanes and alleys along which watermains are laid, and to provide that all special rates shall be a lien on all properties served with mains and with the right of distress and sale of said lands as in the case of taxes in arrears and unpaid and the said council request that such legislation be granted, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Special
frontage
rates on
land
fronting
or abutting
on water-
mains.

1. Subject to section 2, the Public Utilities Commission of the Town of Dunnville shall have power by by-law, to be passed by them, to levy and charge a special rate upon the several lands, lots or parts of lots, whether occupied or vacant, fronting or abutting upon all streets, lanes and alleys in the said municipality upon which watermains, from which the commissioners are willing to supply water, are laid

laid, which special rates shall be an annual rate according to the frontage of the said lands, lots or parts of lots, which rate shall not exceed five cents per foot for such frontage, and may, by by-law of the Public Utilities Commission, be changed from time to time as the commissioners may determine, and the said commissioners may provide an equitable mode of assessing corner lots, triangular and other irregularly shaped pieces of land or lands unfit for building purposes where the commissioners deem it inequitable to assess the full frontage on any street, provided the special rate hereinbefore mentioned shall not be chargeable upon any occupied lands, lots, or parts of lots where the owner or occupant of said lands, lots or parts of lots is a user of the water supplied for said lands, saving and excepting that the special rate above mentioned shall be chargeable on all frontage of any one owner or occupant in excess of sixty-six feet, whether such excess is occupied or vacant.

2. The by-law for the said special rate shall not be finally ^{Approval} passed by the commissioners until it has been submitted to ^{of Council} and received the approval of a majority of all the members ^{to by-law.} of the Municipal Council of the said Town of Dunnville at a regularly called meeting thereof.

3. The said Public Utilities Commission, by by-law to ^{Measurement} be passed by them, shall also have power to employ such ^{of frontage.} person as they think proper to make the measurements of frontage for the purpose hereof, in cases where the frontage of the lands, lots or parts of lots have not, in the judgment of the commissioners, been properly set out in the assessment roll, and to fix the compensation of the said person.

4. The said special rate shall be payable at the time or ^{Time for} times during each year, fixed by the Public Utilities Com- ^{payment} mission for payment thereof, and until paid shall be a lien ^{and col-} and charge upon the lands, tenements, lots or parts of lots ^{lection of} against which the same are charged or assessed, and arrears ^{special rate.} of such special rates may, with interest thereon at the rate of ten per cent. per annum from the time of default in payment be collected in the same manner and by the same officials and by the same process as arrears of taxes are collected under the provisions of *The Assessment Act*, and all rates and rents that may be received by the town treasurer or other officers of the said town, under the above provisions shall be paid to the said Public Utilities Commission. ^{Rev. Stat.,} ^{c. 195.}

CHAPTER 119.

An Act respecting the Town of Eastview.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the Town of Eastview has, by petition, prayed for special legislation in respect of the matters hereinafter set forth; and whereas the said corporation, after submitting same to the electors, passed on the 4th day of June, 1919, by-law No. 319 authorizing the making of an agreement by the said town with the Corporation of the City of Ottawa for laying down under certain streets in the town a twelve inch watermain connecting with the waterworks of the City of Ottawa and for the supply thereto annually of twelve million gallons of water for a period of ten years on payment to the said city of two thousand dollars per annum and with provisions in the said agreement for a larger supply of water if required; and whereas the said town has entered into the agreement with the City of Ottawa authorized by the said by-law and a watermain has been laid down under several of the principal streets in the said town which is connected with and supplied with water from the waterworks of the City of Ottawa; and whereas the greater part of the said town, owing to its distance therefrom, cannot be supplied with water from the said main and is not afforded any fire protection thereby; and whereas it has been made to appear that it is desirable to extend the said main for the purposes of more extensively supplying water for domestic use and for fire protection in the town; and whereas doubts have arisen as to whether the said watermain constitutes waterworks or a system of waterworks within the meaning of these terms in *The Public Utilities Act*, *The Municipal Act* and *The Local Improvement Act* and as to the power of the said town to pass said by-law No. 319 authorizing the making of the said agreement with the City of Ottawa and as to the power of the said town to rate and tax for water service the lots fronting on the streets under which the said watermain is laid or to make extensions of the said watermain under the provisions of *The Local Improvement Act*; and whereas in the circumstances and conditions existing in the said town, it is expedient

Rev. Stat.
c.c. 204.
192. 193.

expedient and desirable that authority should be given to the corporation to rate and tax for water service, vacant lots and parcels of land as well as lots and parcels built upon which front on the streets under which the said watermain has been placed or on any streets under which any extension of the said watermain may hereafter be laid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 319 of the Corporation of the Town of Eastview and the agreement dated 7th day of July, 1919, made between the said corporation and the Corporation of the City of Ottawa, which said by-law and agreement are set forth in full in schedule "A" to this Act are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof notwithstanding any want of jurisdiction of the said corporation to pass the said by-law.

By-law No.
319 con-
firmed.

2. The watermain laid down in the said Town of Eastview connecting with and supplied with water from the waterworks of the City of Ottawa under a contract between the said Town of Eastview and the Corporation of the City of Ottawa dated the 7th day of July, 1919, authorized by said by-law No. 319, is hereby declared to be waterworks or a system of waterworks within the meaning of these terms in *The Public Utilities Act, The Municipal Act and The Local Improvement Act* and subject to the terms of the said agreement dated July 7th, 1919, and in so far as the provisions of the said Acts or any of them are not inconsistent therewith all the provisions of the said Acts or any of them relating to waterworks or a system of waterworks and the extension thereof shall apply to the said watermain and to any extensions thereof which may hereafter be made.

Watermain
declared
to be sys-
tem of
water-
works.

Rev. Stat.
c.c. 204,
192, 193.

3. The said Corporation of the Town of Eastview shall have power by by-law to levy and charge a special rate upon the several lands, lots or parts of lots whether occupied or vacant, fronting or abutting upon all streets, lanes and alleys in the said municipality upon which watermains from which the corporation is willing to supply water are now or may hereafter be laid, which special rate shall be an annual rate according to the frontage of the said lands, lots or parts of lots, and which said rate shall not exceed five cents per foot for such frontage; and that the said corporation may provide an equitable mode of assessing corner lots, triangular and

Special
frontage
rate.

and other irregular shaped pieces of land or lands unfit for building purposes, where the council of the said corporation deem it inequitable to assess the full frontage thereof, or to assess at as high a rate as other lands fronting on any street; provided that such special rate shall not be charged or levied upon lands the owners or occupiers of which are or become users of water from such mains in respect of said lands, unless such special rate, calculated on the frontage as aforesaid, exceeds the water rates assessable and chargeable against such lands under the provisions of *The Municipal Act*, and then only to the extent of such excess.

Measure-
ment of
lots.

4. The said corporation, by by-law to be passed by the municipal council thereof, shall have power to employ such person or persons as they think proper to make the measurements of frontages for the purposes hereof in cases where the frontage of the lands, lots or parts of lots have not, in the judgment of the said council, been properly set out in the town assessment roll and to fix the compensation of the said person or persons.

Payment
of special
rate.

5. The said special rate shall be payable at the time or times during each year fixed by the municipal council of the said corporation for payment thereof and until paid shall be a lien and charge upon the lands, tenements, lots or parts of lots against which the same are charged or assessed and arrears of such special rates may, with interest thereon, at the rate of ten per cent. per annum from the time of default in payment be collected in the same manner and by the same officials and by the same process as arrears of taxes are collectable under the provisions of *The Assessment Act*.

Water
rates not
affected.

6. The power conferred upon the corporation by this Act to levy the special rate aforesaid, shall not affect, modify or impair its rights and authority to rate, assess and levy water rates under the provisions of *The Municipal Act*.

Terms of
agreement
not
affected.

7. Nothing in this Act contained shall in any respect impair or alter any of the provisions of that certain agreement made between the Corporation of the said Town of Eastview and the Corporation of the City of Ottawa, dated July 7th, 1919.

SCHEDULE "A."

BY-LAW No. 319.

Entitled: A by-law for entering into a contract with the Municipal Corporation of the City of Ottawa, for the laying down by the said corporation of a twelve inch (12") waterworks' main on certain streets in the Town of Eastview, and for the supply and service of water to the said main for a period of ten years.

Whereas it is expedient to enter into a contract with the Municipal Corporation of the City of Ottawa for the laying down by the said corporation of a twelve inch waterworks' main to connect with the water service of the City of Ottawa at the east end of Rideau Street in the said city and to be laid down from that point of connection across the Rideau River to the west end of the Montreal Road in the Town of Eastview, and thence along the Montreal Road to its intersection with Marier Avenue in the said town, and thence along Marier Avenue to its intersection with Catharine Street in the said town, and thence along Catharine Street to its intersection with McKay Street in the said town, and thence along McKay Street to its intersection with Beechwood Avenue in the said town, and at that place to connect again with the water service of the City of Ottawa and for laying down the necessary service pipes and installing the necessary hydrants to connect therewith and for the supply and service to the said waterworks' main of a water service for a period of ten years;

And whereas the terms of the proposed contract have been settled and are contained in the draft contract hereto annexed;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Eastview:

1. That the entering into of the proposed contract is hereby approved and authorized.

2. That the mayor and clerk be and they are hereby authorized and directed to sign the engrossment of the said approved contract, and to affix to it the corporate seal of the municipality.

Passed this 4th day of June, A.D. 1919.

(Seal.)

(Signed) A. DESROSIERES,

Mayor.

(Signed) H. R. WASHINGTON,
Town Clerk.

Memorandum of agreement made in duplicate the 7th day of the month of July, A.D. 1919

Between:

The Municipal Corporation of the Town of Eastview, hereinafter referred to as the "Town," of the first part;

and

The Municipal Corporation of the City of Ottawa, hereinafter referred to as the "City," of the second part;

Whereas the town has petitioned the city to construct an extension of its waterworks system from convenient points in the City of Ottawa to and within the limits of the town, and upon the route hereinafter specified, for the purpose of supplying the town and such of the inhabitants thereof as own or occupy lands along the route of the proposed extension with a supply of water for domestic and other purposes, and that the city should after the construction and completion of such extension, supply such quantity of water as may be necessary for such purposes;

And whereas the city has agreed with the town to lay down and install and to co-operate with the town in laying down and installing a twelve-inch watermain extension to its existing waterworks system under the highways, toll roads and lands in the City of Ottawa and in the Town of Eastview and along the route indicated upon the plan annexed to this agreement, and to connect such extension with its existing watermains on Rideau Street and on Beechwood Avenue in the City of Ottawa, and has also agreed after the installation and completion thereof, to supply and to continue to supply water to the said town, and to such of the inhabitants thereof as can conveniently take a supply from the said extension for domestic uses and other purposes thereof, upon the conditions and in consideration of the payments and subject to the provisions hereinafter set out;

And whereas the town and the city have agreed each with the other in the manner following:

Now this agreement witnesseth:

1. The town will provide, at its own cost and charges, a suitable site and location for a twelve inch (12") watermain extension, and for the works hereinafter specified, upon and under the highways, toll roads and lands indicated upon the plan annexed to this agreement, as the proposed route and location thereof, excepting upon and under such highways, roads and lands as may be outside the limits of the said town.

2. The town undertakes to procure from the Ottawa and Gloucester Toll Road Company, the right to lay and maintain the said watermain and works upon and under such part of the toll road belonging to the said company, as it is proposed to locate the said main and works upon and under, and unless and until such authority is secured the city shall be under no obligation to carry out the provisions of this agreement or any of them.

3. The city will excavate the necessary trench across and under the waters of the Rideau River, and supply all labour and materials necessary for such purposes, and will perform all work necessary in connection with the carrying of the said pipe from the westerly to the easterly bank of the Rideau River, and the town will make payment to the city from time to time of the amounts expended on the said portion of the work, and its fees for the supervision thereof, at the rates and in the manner hereinafter provided.

4. The town will provide all labour and material necessary for excavating such portion of the trench as is situate within the limits of the town, and as will be necessary to refill the same after the pipe has been installed and connected, and will perform and execute all such work; provided that the commissioner of works of the city shall supervise and direct the same, and that all such work shall be performed and completed to his entire satisfaction.

5. Instead of the town performing the work specified in the next preceding paragraph, the town may agree with the city that the same or such part or parts thereof as may be agreed upon shall be performed by the city at the cost of the town to be ascertained as hereinafter provided.

6. The city will procure as agent for the town, and at the cost of the town, the cast iron pipe, fittings, valves, hydrants and other materials and things necessary for the construction, installation and completion of the said watermain extension, and for installing all such service pipes as shall be laid in connection therewith, and shall provide, and in the first instance, shall pay for all labour necessary for such purposes.

7. The city shall not be responsible to the town for any delays that may occur in connection with the carrying on of the said work, or in connection with the carrying on of any part thereof.

8. The town will pay to the city at intervals of two weeks from and after the date of commencement of the said work such sums as have been expended by the city in connection therewith, or such amounts as may be owing by the city to material men, labourers or otherwise. The amounts that shall be due and payable to the city by the town from time to time shall be determined by the commissioner of works of the city, whose certificate in writing shall be final and binding upon both of the parties; provided that in case any error or omission shall be made in such certificate, such commissioner of works may correct such error or omission in any subsequent certificate.

9. The town in addition to paying the city all such sums as the city shall pay or be indebted in respect of the said work, shall also pay to the city from time to time, and as above provided, an additional fifteen per cent. upon all sums expended or owing for wages or salaries in respect of the said work.

10. The city shall be paid by the town so much of the wages and salaries of its officials having superintendence over the said work as shall be incurred in respect thereof.

11. Should the town refuse or neglect to pay the amount of any certificate issued by the commissioner of works of the city, in respect of the said work, for two weeks or upwards, after the date upon which the same shall have been mailed or delivered to the clerk of the said town, the city shall be at liberty to discontinue the said work, and shall in such case be entitled to recover by suit against the town all such moneys as may have been expended or be owing by it in respect of the said work.

12. The town shall pay the city the amount certified to be due it in respect of the said work upon the final certificate of the commissioner of works of the city, within thirty days after the date upon which such commissioner shall certify that the said work has been completed.

13. The said work and every part thereof shall be carried on and completed to the entire satisfaction of the commissioner of works of the city, and such valves, fittings, hydrants, service pipes and other works shall be connected therewith as may be agreed upon between the parties hereto, or in default of agreement as shall be determined by such commissioner.

14.

14. Except as otherwise expressly provided herein, the said watermain and works shall upon and after the town making final payment thereof become and remain the property of the town which shall thereafter and at all times at its own expense keep the same in good repair, and from time to time renew the same; provided that should the town fail to repair or renew any part or parts of the said watermain and works whenever in the opinion of the commissioner of works of the city for the time being, such repairs or renewals become necessary, from whose opinion when given in writing there shall be no appeal, the city may upon notice to the town, shut off the supply of water from the waterworks of the city, and until such time as such repairs or renewals have been made and completed to the satisfaction of the said commissioner.

15. The city shall erect and build meter houses at convenient places inside the boundary line of the city at or near the points marked "A" and "B" upon the annexed plan, and shall procure and place meters therein and connect the same with the mains of the city from which the supply of water flowing into the new main is to be taken, so that all water supplied the town shall pass through such meters. The town shall pay the city the cost of procuring and installing the necessary meters, and of constructing, repairing and renewing the meter house, and shall pay the city all such charges and expenses as may arise or be incurred in respect thereof, but notwithstanding such payment, the said meters and meter house shall continue to be the property of the city, and under its control, but the officials of the town duly authorized in that behalf shall have access thereto at all convenient times for the purpose of inspection or otherwise.

16. The town shall bear as a part of the cost of the said work, the cost of connecting the new main with the existing mains of the city.

17. The city shall use its best endeavours to have the said main and works, or such part or parts thereof as it may agree to lay down and construct, completed with as little delay as possible, but the city shall not be responsible for any delay however arising.

18. The town agrees to take from the city annually for a period of ten years from the date when the first supply of water shall have been received, a minimum supply of twelve million (12,000,000) gallons of water per annum, and to pay the sum of two thousand dollars (\$2,000.00) for the same or for such similar quantity of water as it may take in any year. The town agrees to pay for all water supplied in excess of twelve million (12,000,000) gallons per annum at the rate of sixteen cents for each additional one thousand gallons.

19. The quantity of water supplied shall be determined by the readings of the meters installed by the city as aforesaid.

20. Payments shall be made the city by the town for water supplied, upon accounts rendered by the city at intervals of three months, and no reductions or abatement shall be allowed for prompt payment. Should any account remain unpaid for thirty days or upwards after the mailing or delivery of the same, the city shall be entitled upon twenty-four hours' notice in writing, to cut off the supply of water flowing into the said main, and to refuse to supply further water until all money then due it shall have been paid in full.

21. The city does not guarantee to supply or to continue to supply water to the town, or to the inhabitants thereof, and should it become necessary at any time by reason of any breakdown in the city's waterworks or in the mains through which the water is conducted to the main supplying the said town, or by reason of any defect

defect therein, or for the purpose of repairing or altering the said waterworks or the said mains, to cut off or discontinue the said supply, the city shall be entitled to do so, and shall not be responsible in damages or otherwise to the town or to the inhabitants thereof.

22. The city does not undertake that the water supplied the town shall be free from contamination or harmful substances, or that the same shall be delivered into the said mains under any pressure beyond that which is maintained from time to time within the watermains within the said city.

23. The register of the said meters shall be *prima facie* evidence of the quantities of water supplied by the city through such meters. In the event of any difference or dispute arising between the city and the town as to the sufficiency or accuracy, or state of repair of the said meters, or as to the quantity of water supplied the town through such meters, such difference or dispute shall be referred to and settled by the commissioner of works of the said city, and his decision in writing shall be final and binding on both the parties thereto.

24. If at any time the said meters or either of them shall cease to register correctly, or it shall be necessary to remove the same for the purposes of repair, renewal or any other reason, then during such time and until such meters shall have been repaired and again connected up so as to register the quantity of water passing through them, the city shall be entitled to charge the town, and the town shall pay the city such sum as would have been due the same as if the quantity of water taken by the town during such period had equalled the quantity which it took during the like number of days during the preceding six months under the terms of this agreement.

25. The town shall not supply any other municipality or the residents or inhabitants thereof with water taken from the said mains.

26. It shall be lawful for the city at any time after the expiration of five years from the date of this agreement, if it is unable or unwilling to continue to furnish such supply of water to determine this agreement upon giving to the town not less than six months' previous notice in writing, and upon the expiration of such notice the liability of the city to supply water under the terms of this agreement shall cease without prejudice to the right of the city to be paid and to recover such sum as may be then due it by the town.

27. The city will not be responsible for any loss or damage sustained by or occasioned to any person or corporation arising out of the construction of the said works, or by reason of the faulty or defective construction thereof, or by reason of its non-repair, and the town shall in all such cases, should any claim be made against the city, indemnify and keep indemnified the city from all costs, damages, and expenses of every kind and nature whatsoever, that the city may have to pay or be put to by reason of any of the matters aforesaid.

28. The city shall not be liable for any injury or damage that may at any time be done or occasioned to the town or to any property situate within the town, or to any person whomsoever by reason of the said supply or non-supply of water, or by reason of any defect, break or stoppage in the waterworks system of the city or in the main through which the said supply of water is delivered, or by reason of any defect, break, or stoppage in any of the machinery, plant, mains, pipes or parts of the said waterworks system, or by reason of any mismanagement, careless, negligent or improper

improper management of the said system, and the town shall indemnify and keep indemnified the city at all times from all costs, damages, and expenses of every kind and nature whatsoever, which the city may be put to or have to pay by reason of any of the matters aforesaid.

29. That the city shall be entitled, in the event of failure on the part of the town to observe any of the covenants or agreements herein provided to be observed by the town, or to abide by and perform any provision, stipulation or condition contained in any by-law of the corporation, now or hereafter in force, and not inconsistent herewith, upon thirty days' notice in writing to the town, to withdraw and terminate the said supply of water.

30. And it is also expressly understood and agreed by and between the parties hereto, that the said water supply is granted upon the express conditions that the city shall have full and absolute control of the watermains, pipes and other works so laid and constructed up to the limits of the town, and may use the same for any other purpose whatsoever.

31. Should the town at any time hereafter desire to make any further extensions to the watermains in the said town, it shall first prepare a plan showing the location, size of mains, position of valves and hydrants, which it contemplates using with said main, and submit the same to the commissioner of works of the said city for his approval, and if the said commissioner approves of the said extensions he shall certify to same in writing, and the town shall be at liberty thereafter to construct the said extensions under the supervision of the said commissioner of works, but at the sole cost and expense of the town.

In witness whereof the parties hereto have hereunto caused their corporate seals to be hereunto affixed under the hands of their respective proper officers in that behalf.

Signed, sealed, and delivered
in the presence of

(Signed) A. DESROSIERs,
Mayor.

(Seal.)

(Signed) H. R. WASHINGTON,
Town Clerk.

The Corporation of the City of
Ottawa,

(Signed) HAROLD FISHER,
Mayor.

(Seal.)

(Signed) NORMAN H. H. LETT,
Town Clerk.

CHAPTER 120.

An Act to amend The Essex Border Utilities Act.

Assented to June 4th, 1920.

WHEREAS the Essex Border Utilities Commission Preamble. was established by an Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 98, with authority to construct certain works within the Municipalities of the City of Windsor, and Towns of Walkerville, Sandwich, Ford City and Ojibway and the Townships of Sandwich East and Sandwich West; and whereas the Essex Border Utilities Commission has, by its petition, represented that it is desirable that power should be given to the commission to arbitrate as to the value of works authorized to be taken over, to borrow for current expenditure up to the amount of authorized requisitions and to pay for necessary connections, to establish a metropolitan park, to submit questions to the electors without undue delay, to construct intercepting sewers in areas naturally outside the limits of the original sewer system and incidentally thereto to take over existing drainage works which interfere therewith and that the internal administration of the commission be improved; and it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of *The Essex Border Utilities Act* is amended ^{6 Geo. V, c. 98, s. 2, amended.} by striking out clause (i) thereof.

2. Clause (a) of subsection (4) of section 3 of *The Essex Border Utilities Act* is amended by striking out the words ^{Power of vice-chairman.} "at the meeting" at the end thereof and substituting therefor the words "and who during such absence shall have and may exercise the powers of the chairman."

3. Clause (d) of subsection (4) of section 3 of *The Essex Border Utilities Act* is amended by inserting after the word ^{6 Geo. V, c. 98, s. 3, (4) amended.} "officer" in the second line the words "superintendents, inspecting foremen."

6 Geo. V,
c. 98, s. 3,
amended.

4. Section 3 of *The Essex Border Utilities Act* is further amended by adding the following thereto as clauses (l) and (m).

Absence of
Mayor or
Reeve.

(l) In the absence of the Mayor or Reeve of any Essex Border Municipality by reason of illness or otherwise the acting mayor or reeve may act on the commission in his place;

Non-attendance
of commissioner.

(m) The non-attendance of an elected commissioner for three successive months at the meetings of the commission of which three days' notice has been given shall *ipso facto* constitute a resignation of the commissioner and the commission shall at the next meeting proceed as in the case of vacancy in membership unless good cause for such absence is then shown and the commission shall by resolution declare the same to be sufficient.

6 Geo. V,
c. 98, s. 4,
amended.

5. Section 4 of *The Essex Border Utilities Act* is amended by adding thereto the following as subsections (5), (6), (7), (8), (9) and (10).

May conduct
intercepting
sewers in
adjoining
areas.

(5) The commission may also construct intercepting sewers and pumping and disposal plants to provide for the transmission and disposal of the sewage from any drainage area or basin within the Essex Border Municipalities not included in the original trunk sewer system constructed under the provisions of subsection (1) and in such case the engineers report thereon shall set out the area or areas benefited thereby, but no work shall be constructed without the assent by by-law of the council of the local municipality within which any part of the area lies;

May control
and reconstruct
drainage
works in
sewage
areas.

(6) The commission may as ancillary or incidental to the construction of any intercepting sewer system enter into possession of, construct, reconstruct, improve, maintain, and operate any drainage work constructed under *The Municipal Drainage Act* and situate in part or in whole within the Essex Border Municipalities and in such case the report of the engineer shall as to any new expenditure set out the details required under the provisions of *The Municipal Drainage Act* and an appeal shall lie to the drainage referee as to the matters set out in section 94 of the said Act and the said referee shall also

Rev. Stat.,
c. 198.

have

have power to determine the portion if any, which should be borne by the intercepting sewer system; the council of the municipality within which any such area may lie, upon the request of the commission shall hold a court of revision in regard to the assessments to be made under said report with the powers and duties of a court of revision under the said Act and an appeal shall lie therefrom to the county judge and the cost shall be borne by the areas and in the proportions so determined and no appeal shall lie to the municipal board in respect of such report.

- (7) The cost of works authorized under subsections (5) and (6) shall be borne by the area benefited only and the approval of the question to be submitted in regard thereto under section 17 shall be required only by the electors of the said area. Cost to be borne by the areas.
- (8) Nothing herein contained shall authorize a change in the amount of any assessment made before the taking over by the commission or in the liability of the lands or the municipality for any rate previously imposed to pay any debenture or debt in respect of any work. No power to change any assessment or obligation.
- (9) Any sums collected by the municipality for maintenance or operation of any work taken over under subsections (5) and (6) shall thereafter be applied *pro tanto* to pay the requisitions made by the commission for such purposes. Application of moneys collected for maintenance.
- (10) The cost of operating or maintaining any work under the control of the commission under subsections (5) and (6) shall be borne by the area and in the proportions determined by a report which shall be made under section 23. Cost of maintenance borne by areas.

6. Subsection (2) of section 5 of *The Essex Border Utilities Act* is amended by adding at the end thereof the words "and the cost of making the connections shall be paid by the corporation for which the same are made." 6 Geo. V, c. 98, s. 5, (2) amended.

7. Subsection 3 of section 5 of *The Essex Border Utilities Act* as amended by subsection (3) of section 4 of chapter 91 of the Acts passed in the ninth year of the reign of His Majesty King George the Fifth, is amended by inserting after the word "corporation" in the third line thereof the words "or council" and after the word "waterworks" in the fourth line, the words "and also as to any such works situate within the Essex Border Municipalities the powers contained in section 59 of the said Act." 6 Geo. V, c. 98, s. 5, (3) amended.

6 Geo. V,
c. 98, s. 12,
amended.

8. Section 12 of *The Essex Border Utilities Act* is amended by adding the following as subsections (7) and (8):

May borrow
until re-
quisitions
are paid.

(7) The commission may by by-law authorize the chairman and treasurer to borrow such sums as may be necessary to meet current estimated annual expenditures for general purposes and for special outlays not exceeding the amount of works and undertakings which the commission may legally make during the year and shall have the power given to a municipal corporation to borrow under section 319a of *The Municipal Act*. Any interest charges incurred shall be payable by the municipality in default.

Rev. Stat.,
c. 192.

(8) The commission may where authorized by resolution of the council of a municipality pass a by-law to pay for the cost of the connections under subsection (3) of section 4 or subsection (2) of section 5 of this Act by the issue of debentures under the provisions of section 12 and the assent of the electors shall not be required there-to.

May pay
cost of
connections
by issue of
debentures.

6 Geo. V,
c. 98, s. 17,
amended.

9. Section 17 of *The Essex Border Utilities Act*, as amended by chapter 91 of the Acts passed in the ninth year of the reign of His Majesty King George the Fifth, is amended by adding the following subsections (8) and (9):

Submission
of questions
to electors.

(8) Subject to the provisions of subsection (9) the commission may after the final settling of the apportionment under a report filed require the councils to submit the question or questions to the electors and in the event of the Council of any Essex Border Municipality not submitting the same to its electors within two months the commission may apply to the municipal board for an order providing for the vote to be taken to determine whether or not the majority of the electors are in favour of answering the question in the affirmative or the negative and fixing the time and place for the taking of the vote, naming the returning and deputy returning officers and making such further provisions therefor as may be deemed necessary and the said board shall have power to make an order to that effect.

Submission
at annual
elections.

(9) If the question or questions to be submitted are based upon a report respecting sewers or sewerage by which the Corporation of the City of Windsor is affected or respecting the water supply

supply or waterworks of any municipality, the said question or questions shall be submitted to the electors of the various municipalities on a day on which the annual municipal elections are held, unless the councils agree to submit the same upon some other day.

10. Section 21 of *The Essex Border Utilities Act* is ^{6 Geo. V,} amended by inserting after the word "head" in the fourth ^{c. 98, s. 21,} line thereof the words "and commissioner."

11. Section 22 of *The Essex Border Utilities Act* is ^{6 Geo. V,} amended by inserting after the word "raise" in the twenty- ^{c. 98, s. 22,} second line thereof the words "the sums provided in said order," and striking out the words "the sums provided in the said order" from the twenty-eighth line thereof.

12. *The Essex Border Utilities Act* is amended by adding ^{6 Geo. V,} thereto the following as section 29: ^{c. 98, s. 23,} amended.

29.—(1) The commission shall have and is hereby ^{Metropolitan} vested with the power of a board of park ^{Park Board.} management to acquire, develop, lay out, maintain and improve parks or park systems for the Essex Border Municipalities under *The Public* ^{Rev. Stat,} *Parks Act.* ^{c. 203.}

(2) The acquiring, developing, laying out and improv- ^{Power to} ing of any park, avenue, boulevard or drive shall ^{acquire} be a work authorized under the provisions of ^{parks.} this Act after approval by the proper electors and the report necessary may be made by any person skilled in such matters.

(3) The commission shall also have power to manage, ^{Power to} control, develop and improve any park, avenue, ^{manage.} boulevard, drive or any part thereof or any corporation land not immediately required for any purpose where the council of the municipality with the consent of the board of park management thereof (if any) declares and provides that the same shall form part of the metropolitan park system.

(4) The cost of acquiring, developing, laying out, improving and maintaining any work under this ^{Apportion-} section shall be paid by the municipalities ap- ^{ment of} proving thereof proportionately to the assessed ^{cost.} value of all their rateable real and personal property included within the Essex Border Municipalities according to the last certificate of the assessor or assessment commissioner and there shall be no appeal to the Municipal Board in respect of the same.

Issue of
debentures.

- (5) The commission shall have power to raise by the issue of debentures the sums required for the acquisition, developing, laying out and improving of any work authorized under this section but the rate to be levied shall not exceed one mill on the dollar upon the assessed value of all the rateable, real and personal property liable.

Apportion-
ment of
maintenance.

- (6) The provisions of section 23 of this Act shall apply to the cost of maintenance and management, but the report may be made by any person skilled in such matters.

Protection
of parks.
Rev. Stat.,
c. 203.

- (7) Sections 19, 20, and 21 of *The Public Parks Act* shall apply to the lands acquired or managed under this section.

- (8) The land acquired or managed as aforesaid may be wholly or partly within any of the Essex Border Municipalities or within ten miles thereof.

6 Geo. V,
c. 98,
amended.

13. *The Essex Border Utilities Act* is amended by adding thereto the following as section 30.

Powers as
to town
planning
and de-
velopment.

30. —(1) The commission shall have and is hereby vested with the powers of the several town planning commissions which the City of Windsor, the Towns of Walkerville, Sandwich, Ford and Ojibway are authorized to appoint under section 13 of *The Planning and Development Act* and may exercise the same within the urban zones within which any of the said municipalities are situate.

8 Geo. V,
c. 33.

- (2) The provisions of subsections (2), (3), (4), (6), (7), (8) and (9) of *The Planning and Development Act* shall not apply to the Essex Border Utilities Commission.

Fees to be
paid to
municip-
alities.

- (3) Fees collected by the commission under subsection (6) of section 6 of *The Planning and Development Act* as amended by chapter 53 of the Acts passed in the ninth year of the reign of His Majesty King George the Fifth, shall be paid to the municipality within which the land is situate.

Approval
of plans.

- (4) Any person desirous of surveying and sub-dividing into lots any tract of land, part of which is situate within an urban zone which includes any of the Essex Border Municipalities, shall take the following proceedings instead of those set out in section 7 of *The Planning and Development Act*:

8 Geo. V,
c. 33.

(a)

- (a) Such persons shall submit a plan of the proposed survey and subdivision prepared in accordance with the provisions of *The Registry Act* to the council of each municipality within which any part of the land lies for approval and signature and shall file a blue print with the other municipalities;
- (b) After obtaining this signature the plans shall be submitted to the commission, and if no objection is filed with the commission within one month, or if the several municipalities by resolution approve of the said plan, the same shall be forthwith executed by the commission;
- (c) If any municipality files an objection with the commission the plan shall be referred by the commission to the Municipal Board for approval;
- (d) Where the plan is one coming within subsection 3 of section 6 of *The Planning and Development Act*, approval must be obtained by the commission as well as by each municipality within which any part of the land is situate, and by the Municipal Board;
- (e) Execution by the commission under this section shall be good and sufficient approval by the municipalities within the urban zone under *The Registry Act* and *The Planning and Development Act*, except as herein otherwise provided.

Rev. Stat.,
c. 124.

s Geo. V,
c. 38.

Rev. Stat.,
c. 124.
s Geo. V,
c. 38.

14. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of
Act.

CHAPTER 121.

An Act respecting the Town of Gananoque.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Municipal Corporation of the Town of Gananoque has, by its petition, represented that it has incurred a floating indebtedness of \$11,500.00 under the following circumstances:—During the year 1919 there was spent upon capital expenditure as the town's share of making fifty-three new water and sewerage connections the sum of \$8,000.00. There was also spent in 1919 the sum of \$3,500.00 for the installation of trucks and a complete storage battery system, in connection with the completion of the fire protection of the said town as required by the Underwriters' Association to perfect and complete the fire protection system of said town; and whereas it is proposed to make a further expenditure of \$7,500.00, to be used to pay the town's share of making further water and sewerage connections in said town during the year 1920; and whereas said connections have become obligatory and necessary by reason of the passing of a certain by-law of said town forbidding the use or continuance within said town of pit or other unsanitary systems of water closets and requiring all ratepayers to connect their properties with the town's system of water and sewerage; and whereas said increased connections with the water and sewerage system of said town will in the near future substantially increase the revenue of the Water Commission of said town as well as promote and benefit the health of said town; and whereas said expenditures upon fire apparatus and appliances are needed, desirable and necessary; and whereas the debenture debt of said town, exclusive of local improvements, is \$240,000.00, which debt was largely incurred in the installation of an up-to-date and modern system of waterworks and sewerage in said town, which undertakings were unusually and exceptionally difficult and expensive owing to the large quantity and peculiar hardness of the rock formation of said town; and whereas no part of the principal or interest of said debt is in arrear; and whereas the fixed assets of said town are upwards of \$400,000.00; and whereas the rateable property of the said town according to the last revised assessment roll is the sum of \$1,347,370.00, and the rate for municipal purposes for 1919 was 24.14 of a mill on the dollar; and whereas
the

the payment forthwith of the said sum of \$19,000.00 would, under present after-war conditions and in view of the present high cost of living, in addition to meeting the necessary annual expenditure of the corporation be unduly burdensome and oppressive upon the ratepayers of said town; wherefore the Corporation of the Town of Gananoque prays that authority be given to borrow \$19,000.00, namely, \$11,500.00 to pay said floating municipal debt now due and owing and being \$8,000.00 for capital expenditure upon connections with the water and sewerage system of said town and \$3,500.00 to pay for certain expenditures upon the fire protection of said town and also the further sum of \$7,500.00 to make further connections to the water and sewerage system of said town in 1920; and whereas it is expedient to grant the prayer of said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The floating debt of the Corporation of the Town of Gananoque is consolidated at the sum of \$11,500.00, and the said corporation may borrow by a special issue of debentures a sum not exceeding \$11,500.00 for the purpose of paying said indebtedness of \$8,000.00 and of \$3,500.00 now due and owing. Floating debt consolidated at \$11,500.
2. The said corporation may also borrow the sum of \$7,500.00 by a special issue of debentures to make further connections with water and sewerage system of said town to be expended in 1920. Power to borrow \$7,500 for water and sewer connections.
3. The said debentures shall be payable in not more than thirty years from the date of issue thereof, and shall bear interest at a rate not exceeding 6 per cent. per annum and may be issued with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient. Term of debentures.
4. The said debentures may be issued payable in equal annual instalments of principal and interest in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as possible to what is payable for principal and interest during each of the other years of the period within which the debts are to be discharged. Equal annual instalments of principal and interest.
5. The said corporation shall levy in each year during the period within which said debt is payable, in addition to all other rates, a special rate sufficient to produce the annual instalments Special rate.

instalments of principal and interest falling due upon the said debentures.

Application
of proceeds
of de-
bentures.

6. The debentures and all moneys arising therefrom under section 1 of this Act shall be applied in payment of said floating debt and for no other purpose, and the debentures and all money arising therefrom under section 2 of this Act, shall be applied to the purposes mentioned in that section and for no other purpose.

Assent of
electors not
required.

7. It shall not be necessary to obtain the assent of the electors or ratepayers of the Town of Gananoque to the passing of any by-law which shall be passed under the authority of this Act, or for the purposes of carrying out the same or to observe the formalities in relation thereto ordinarily required by *The Municipal Act* or any amendments thereto.

Rev. Stat.,
c. 192.

Irregular-
ity in form
not to in-
validate.

8. No irregularity in the form of said debentures or any of them or of any by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of said debentures or interest on any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or of issuing debentures or as to the application of the proceeds thereof.

Hypothecation of
debentures.

9. The said corporation may, for the purposes herein mentioned, raise the money hereby authorized by way of loan on the said debentures or sell and dispose of the said debentures from time to time as it may seem expedient.

Treasurer
to keep
proper
books of
account.

10. It shall be the duty of the treasurer for the time being of said town to keep, and it shall be duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall always show the number of debentures which shall from time to time be issued under the powers conferred by the preceding sections, and the respective amounts, payment of which is thereby secured and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or disposals of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred.

CHAPTER 122.

An Act respecting the Village of Garden Island.

Assented to June 4th, 1920.

WHEREAS the Village of Garden Island was incor- Preamble.
 porated by by-law No. 14 of the Council of the
 County of Frontenac on January 26th, 1866; and whereas
 the territory within the said village has an area approxi-
 mately of less than one hundred acres; and whereas the
 discontinuance of industries formerly carried on on said
 island has reduced the population, at one time over seven
 hundred and fifty, to insignificant proportions; and whereas
 there is no debenture or other indebtedness outstanding
 against the corporation of said village; and whereas the cor-
 poration of said village has, by petition, prayed that an Act
 be passed to annul the incorporation of said village and to
 annex the territory now comprised in the said village to the
 Township of Wolfe Island; and whereas it is expedient to
 grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

1. The incorporation of the Village of Garden Island is hereby annulled. Annul-
ment of
incorpora-
tion.
2. The territory comprised in the said Village of Garden Island is hereby annexed to and shall form part of the Town- Annexa-
tion to
township.
 ship of Wolfe Island.
3. For all purposes of municipal taxation and otherwise Date when
annexation
to take
effect.
 the annexation hereby effected shall be deemed to have been
 made on the first day of January, 1920.

CHAPTER 123.

An Act respecting the City of Guelph.

Assented to June 4th, 1920.

Preamble

WHEREAS the Corporation of the City of Guelph has, by its petition, represented that in order properly to maintain and beautify its public parks the council of the said corporation deem it necessary that the said council should be enabled to levy and assess in every year a special annual park fund rate up to but not exceeding one and one-half mills on the dollar upon the assessed value of all the rateable real and personal property in the said city and to increase the limit of the annual amount that may be expended by the said city under section 18 of *The Public Parks Act* to the sum of one and one-half mills on the dollar; and whereas the said city purchased that part of lot 1027 in the Canada Company's Survey in the said city situate at the northeast corner of Dublin Street and Waterloo Avenue described in the conveyance from James Hutcheon and Hazel A. Baird to the said city, dated February 11th, 1920, in order to provide a club house for the Guelph branch of the Great War Veterans' Association; and whereas it is deemed proper and expedient that the said sale should be authorized and confirmed and the said city empowered and authorized to grant a lease of the said lands and premises to the said branch on the terms and conditions hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Levy of one
mill and half
for public
parks.

1. Notwithstanding anything contained in section 18 of *The Public Parks Act* it shall be lawful for the Council of the City of Guelph during the year 1920 and for and during each year thereafter to assess, levy and collect a special annual rate to be known as "The Park Fund Rate" up to but not exceeding one and one-half mills on the dollar upon the assessed value of all the rateable real and personal property in the said city.

2. The purchase by the said city of that part of lot 1027 in the Canada Company's Survey in the said city, situate at the northeast corner of Dublin Street and Waterloo Avenue, described in the conveyance from James Hutcheon and Hazel A. Baird to the said city, dated February 11th, 1920, is hereby ratified, approved and confirmed and the council of the said city is hereby authorized to grant a lease of the said lands and premises to the Trustees of the Guelph branch of the Great War Veterans' Association for as long a time as said branch continues to exist in the said city with a membership of at least two hundred and fifty, at an annual rental of one dollar (\$1.00) per year if demanded and is also authorized to grant exemption from all taxes to the said lands and premises while the same is used by the said branch

Purchase of certain land confirmed and power to lease same to Great War Veterans' Association and exempt from taxation.

3.—(1) It shall be lawful for the Council of the Corporation of the City of Guelph to pass a by-law in the form of the by-law in schedule "A" to this Act, and such by-law as and when passed is declared to be legal, valid and binding

Power to pass by-law.

(2) It shall be lawful for the said council to pass by-laws for the issue of debentures payable in not more than five years from the date of issue to pay for works or improvements to be made or done under the said by-law and it shall not be necessary to submit any such by-law to a vote of the electors.

Issue of debentures.

SCHEDULE "A."

THE CORPORATION OF THE CITY OF GUELPH.

BY-LAW No. .

A By-law respecting the Installation of Toilets and Sinks.

Whereas it is desirable to provide for the installation of toilet and sink accommodation in the buildings of private owners in the City of Guelph and to provide for the payment of the cost of the same;

Be it therefore enacted by the Municipal Council of the Corporation of the City of Guelph, as follows:

1. Any owner or owners desiring to install a toilet or sink or both in his or her premises situate in the City of Guelph may file a written application therefor on a blank form to be prescribed by the Council, which application shall describe the work desired to be done, the premises in which it is to be done, and state the plumbing fixtures desired to be installed, and shall also sign a form of agreement to be prescribed by the council.

2. The owner shall state in his application whether he desires to pay the cost of the installation in advance, or to have the work done as a local improvement to be paid for by special assessment. In the latter case the cost thereof shall be assessed and levied in annual payments or instalments distributed over a term of five years from the completion of the work, the annual payment to be at the rate of twenty-four per cent. of the cost, and the lands benefited shall be assessed for such rate for the period of five years accordingly, and such rate shall be levied upon and against and collected from the premises accordingly at the time and in the manner that ordinary taxes are levied and collected.

3. If the owner decides to pay in advance, he shall deposit the cost as estimated by the engineer, with the city treasurer. If upon completion of the work it be found that the deposit made for the purpose is less than the actual cost, the owner shall forthwith pay the balance of said cost; if more, the unused portion of said deposit will be refunded to the owner.

4. If the application be approved of by the engineer after inspecting the premises, and be confirmed by the chairman of the public works committee, a permit will be granted by the engineer to the owner for the necessary installation in his or her premises and the installation will be proceeded with as soon as conveniently may be.

5. All work shall be executed under the direct supervision of the city engineer. All materials used shall be of the best quality of their several kinds, and shall be inspected and passed by the engineer before the work is commenced. The whole of the work shall be done by skilled mechanics, who shall be subject to removal by order of the engineer, if considered not qualified or not efficient, and the engineer is to be the sole judge of the work, and his decision on all points shall be final.

Passed this day of , A.D. 19 .

.....
Mayor.

.....
Clerk.

CHAPTER 124.

An Act respecting the City of Hamilton.

Assented to June 4th, 1920.

WHEREAS the Corporation of the City of Hamilton Preamble.
has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the city corporation has asked for authority to pass by-laws without submitting the same to the electors qualified to vote on by-laws for the creation of debts for the following purposes, namely:—(a) To provide \$109,500 for a new fire alarm system and the placing of the fire alarm wires underground in the underground district and for the erection of a fireproof building to maintain the electrical apparatus in connection therewith; (b) To provide \$102,553 for the purchase of the property known as the estate of Mrs. Susan Stipes, being lots 5 and 6 in the broken front concession in Township of Barton, now in the city, for the purposes of extending and improving the sewage works and works for the interception and discharge of sewage from the Gage Avenue sewer, and for other municipal purposes; (c) To provide \$37,350 for the purpose of opening Birch Avenue, from its present terminus to Burlington Street to eliminate level railway crossings at the several points therein; (d) To provide \$50,000 for the purchase of seven brick dwellings and corner store with lands on the west side of Euclid Avenue and their remodeling for adequate accommodation for the nurses of the Hamilton City Hospital; (e) To provide \$55,000 for the purchase of E. S. Brennen lands on Ferguson Avenue North for extending the city yard and for the transfer thereto of the two city asphalt plants together with storage accommodation for the supplies and equipment therefor; and whereas the said corporation has also asked for authority to purchase lands for cemetery and municipal purposes, and to enter into agreements with the owners of the lands for the payment of the purchase money by annual instalments; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow money for certain purposes without assent of electors.

1. The Council of the Corporation of the City of Hamilton may, without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass a by-law or by-laws authorizing the issue of debentures for the following amounts and purposes, namely:—(a) To provide \$109,500 for a new fire alarm system and the placing of the fire alarm wires underground in the underground district and for the erection of a fireproof building to maintain the electrical apparatus in connection therewith; (b) To provide \$102,553 for the purchase of the property known as the estate of Mrs. Susan Stipes, being lots 5 and 6 in the broken front concession in Township of Barton, now in the city, for the purposes of extending and improving the sewage works and works for the interception and discharge of sewage from the Gage Avenue sewer, and for other municipal purposes; (c) To provide \$37,350 for the purpose of opening Birch Avenue, from its present terminus to Burlington Street to eliminate level railway crossings at the several points therein; (d) To provide \$50,000 for the purchase of seven brick dwellings and corner store with lands on the west side of Euclid Avenue and their remodeling for adequate accommodation for the nurses of the Hamilton City Hospital; (e) To provide \$55,000 for the purchase of E. S. Brennen lands on Ferguson Avenue North for extending the city yard and for the transfer thereto of the two city asphalt plants together with storage accommodation for the supplies and equipment therefor; and for such purposes to issue debentures of the said corporation of not less than \$100 each, the principal to be payable in twenty years at the furthest from the time or times when such debentures are issued, and to raise and levy annually by special rate on the rateable property in the said municipality such sum or sums as may be necessary for payment of the said debts and interest. The debentures to be issued under the by-law passed under this section may bear interest payable yearly or half-yearly, and at such rates as the council of the said corporation may determine.

Authority to purchase lands for cemetery and municipal purposes, and pay in instalments.

2.—(1) The Corporation of the City of Hamilton may without submitting the same to the electors qualified to vote on by-laws for the creation of debts, pass by-laws authorizing the purchase of the lands described in schedule "A" hereto, such lands aggregating approximately 87.73 acres more or less, from the John Hewitt estate in East and West Flamboro, for \$115,000, payable \$10,000 cash and the

balance

balance in annual payments as follows: \$10,000 each for 10 years and \$5,000 last instalment with interest at six per cent., payable half yearly, and also the purchase of the lands of Joseph Hunter adjoining the last-mentioned property and described in schedule "B" hereto, containing 13.73 acres, for \$15,000, payable \$6,000 cash and the balance at the expiration of five years with interest at six per cent., and authorizing the said city corporation to enter into covenants with the said vendors to pay the instalments of purchase money and the interest above mentioned; such lands being required for cemetery and municipal purposes.

(2) Subject to the provisions of subsection (3), the said lands shall not be used for cemetery purposes until the route and manner of construction of the Toronto and Hamilton roadway as to its entrance into the City of Hamilton has been determined under the provisions of *The Toronto and Hamilton Highway Commission Act*, nor until that part of the roadway as so determined has been laid down and constructed and open to traffic.

Construction of roadway prior to use of land for cemetery.

(3) Pending the laying down and construction of such roadway and the opening of the same to traffic, the existing entrance by roadway to the said lands may be used subject to such regulations, terms and conditions as may be approved of by the Toronto and Hamilton Highway Commission.

Exception.

(4) Upon any application to the Ontario Railway and Municipal Board under section 9a of *The Toronto and Hamilton Highway Commission Act*, the said board shall, in addition to the matters referred to in subsection 2 of said section 9a, in fixing the amount payable by the Municipal Corporation of the City of Hamilton, take into consideration the increased cost of constructing the highway of said commission occasioned by constructing it so as to meet the requirements or expected requirements of traffic thereon occasioned by the use of said lands for cemetery purposes.

Matters to be considered by Board.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

SCHEDULE "A."

All and singular that certain parcel or tract of land and premises situate, lying and being in the Townships of East and West Flamboro, in the County of Wentworth, in the Province of Ontario. Being composed of part of lot number thirteen in the broken front and first concessions of the Township of East Flamboro and part of the unnumbered lot in the first concession of the Township of West Flamboro, and comprising what is known as Rock Bay Farm, including the low beach or promontory extending out into the waters of Burlington Bay and known as Carroll's Point and being all that parcel of land west of Bay View, south of the Plains Road and north of Burlington Bay, excepting that portion owned by one Joseph Hunter.

SCHEDULE "B."

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of East Flamboro in the County of Wentworth in the Province of Ontario, being composed of a part of that portion of the 1st concession of said township, lying between that arm of Burlington Bay leading towards the Valley Inn, and what is known as the Plains Road, said parcel of land containing by admeasurement, thirteen acres and seventy-three one hundredths of an acre (13.73 acres).

CHAPTER 125.

An Act confirming an agreement between the
Riordon Pulp and Paper Company, Limited,
and the Town of Hawkesbury.

Assented to June 4th, 1920.

WHEREAS the Municipal Corporation of the Town of ^{Preamble.}
Hawkesbury has, by petition, prayed that an Act may
be passed ratifying, confirming and validating a certain
agreement made between the Riordon Pulp and Paper Com-
pany, Limited, and the Municipal Corporation of the Town
of Hawkesbury, dated the 9th day of April, 1920, with
regard to certain public improvements to be done with-
in that portion of the said town known as the "Riordon
Annex," and providing for the payment of the costs to the
town of the said public improvements; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The said agreement between The Riordon Pulp & ^{Agreement}
Paper Company, Limited, and the Municipal Corporation ^{between}
of the Town of Hawkesbury, bearing date the 9th day of ^{town and}
April, A.D. 1920, and set forth in schedule "A" hereto, ^{company}
shall, upon the same being submitted to the electors entitled ^{confirmed.}
to vote on money by-laws and upon its approval by such
electors by at least fifty-one per cent. of those who shall cast
their votes on such submission, be legal, valid and binding
upon the parties thereto; notwithstanding anything in any
Act to the contrary.

2. Upon the said agreement being approved by the electors ^{Power to}
as in section 1 hereof provided, the said Municipal Cor- ^{borrow}
poration of the Town of Hawkesbury may from time to time ^{money}
issue debentures of the said corporation without the assent ^{without}
of the duly qualified electors of the said town for the pur- ^{assent of}
pose of raising and providing the sums of money necessary ^{electors.}
to carry out the terms of the said agreement.

3. In calculating whether or not the limit fixed by sec- ^{Rates to be}
tion 297 of *The Municipal Act* has been reached, any rates ^{excluded.}
levied under the authority of this Act shall be excluded in
computing the same.

SCHEDULE

SCHEDULE "A."

Agreement made the ninth day of April, one thousand nine hundred and twenty,

Between

The Riordon Pulp and Paper Company, Limited, hereinafter called "the Company," of the first part,

and

The Corporation of the Town of Hawkesbury, hereinafter called "the Municipal Corporation," of the second part.

Whereas the company have for many years past owned and carried on and still own and carry on extensive mills and manufacturing establishments in the said Town of Hawkesbury and therein regularly give employment to a large number of workmen and other persons;

And whereas the said company with a view to building houses, cottages, and other buildings for the accommodation of their workmen and other employees have recently acquired a tract of land comprising blocks twenty-five (25), twenty-six (26), thirty (30), thirty-one (31), and that part of thirty-two (32) lying south of the Canadian Northern Ontario Railway Company's line of railway, as laid down on the plan of the said Town of Hawkesbury, registered in the registry office for the County of Prescott as plan number thirty-seven (37) containing in all an area of one hundred and thirty-four acres, more or less;

And whereas the said company is causing a plan of a sub-division of the said tract of land to be prepared, which plan is intended to be submitted to the Ontario Railway and Municipal Board and to the said the municipal corporation for approval in accordance with the provisions of the statutes in that behalf, and then to be registered in the said registry office;

And whereas the said company intend to improve the said tract of land (which is hereinafter called the Riordon Annex), and to build houses, cottages and other buildings for the accommodation of their workmen and other employees and to continue such improvements as speedily as is reasonably practical and as may be found advisable and desirable having regard to the demand for such accommodation;

And whereas such proposed improvement will entail the expenditure by the company of large sums of money, and to warrant and justify that expenditure and to insure as far as can be done, that the proposed undertaking will be carried to a successful issue, the said company consider that the municipal corporation should give them some assurance that the benefits of the municipal corporation systems of improvements such as those of good roads, improved streets, permanent sidewalks, sewer and water service shall be extended and furnished to the said Riordon Annex on reasonable terms to be hereinafter stated, and as may be reasonably required by the said company from time to time, having regard to the progress of the improvements contemplated to be made by the company as hereinbefore recited;

And whereas it is considered that the improvement of the said tract of land in the manner proposed and hereinbefore in part recited, will be an advantage to the municipal corporation and to the Town of Hawkesbury in general, and that it is desirable from the standpoint of the ratepayers and other residents of the said town that the development and improvement thereof be encouraged,

and

and that the municipal corporation enter into the agreement hereinafter stated respecting the same;

And whereas heretofore the building and maintenance of roads and sewers in the Town of Hawkesbury has been wholly provided for out of the general corporation funds for which debentures of the municipal corporation to a large amount, are now outstanding, and which form a charge upon all the rateable property of the said town, including that assessable to the said company;

And whereas on the 18th day of December, 1919, the agreement annexed marked "A" was executed by the parties hereto;

And whereas on the 26th day of December, 1919, the municipal corporation duly ratified and approved the said agreement marked "A," and authorized the Mayor to sign and execute the same on behalf of the municipal corporation and also resolved that all necessary steps be taken to secure the passing of an Act by the Legislature of the Province of Ontario to ratify and validate the said agreement marked "A";

And whereas on the 1st day of March, 1920, the municipal corporation authorized the Mayor and Councillor Clement to sign a petition on behalf of the said municipal corporation addressed to the Legislative Assembly of the Province of Ontario praying for the passing of the Act in the paragraph last hereinbefore mentioned;

And whereas a Bill purporting to ratify and validate the said agreement marked "A" has been introduced into and is now pending before the said Legislative Assembly;

And whereas the parties hereto in order to secure the passing of the said Bill and for other considerations, have agreed to make certain modifications to the said agreement marked "A," and have now agreed that the following agreement shall be substituted to the said Agreement marked "A";

And whereas the municipal corporation, by resolution adopted at its meeting duly convened for, and held on the sixth day of April, 1920, has approved the following agreement and resolved that the same shall be substituted to and for the said agreement marked "A," and that the same shall be submitted to the rate-payers of the municipal corporation for their approval;

Now therefore this indenture witnesseth that it is mutually covenanted and agreed by and between the company and the municipal corporation, the parties hereto, each for themselves and for their respective successors and assigns in manner following, that is to say:—

1. Subject to the other stipulations and provisions of this agreement the said company hereby agrees to grant and dedicate to the said municipal corporation, as public highways, all the streets which may be laid down upon the said plan, as the same shall be finally settled and approved by all necessary parties and registered, and the said municipal corporation hereby agrees to accept such dedication. It is however expressly declared that the parks, squares, and plots laid down or to be laid down on the said plan and thereon indicated or marked or to be indicated or marked with the word "reserved" as the said plan is finally settled, approved and registered, shall not be so dedicated, but shall be and are hereby reserved and will continue to be the private property of the said company, their successors or assigns. And the said squares, parks and plots of land shall be subject always to all the provisions and requirements of *The Assessment Act* and *The Municipal Act*, which are reasonably applicable thereto.

2. The trees standing on the boulevards or streets shall not be cut down or injured by the parties hereto, who shall both take all necessary steps for their proper protection and preservation in order that they may be left standing for the purposes of ornament and shade.

3. As the company shall from time to time require for the carrying out of its scheme of development and improvement of the said property, the municipal corporation shall, subject to the said provisions of paragraph 8 hereof, extend to and on the streets in such portions of the said Riordon Annex as the company shall require, its water service, its system of permanent and improved streets, sewers and sidewalks, and to that end shall build and construct such permanent sidewalks and install such permanent sewers to such part or parts of the said Riordon Annex as may be reasonably required by the said company from time to time, and as may be warranted by the progress made by the company in the improvement and development of the said Riordon Annex, and to that end the said company shall on or before the first day of December in each year, furnish the said Municipal Corporation with a statement of its requirements, under these provisions, for the ensuing year, with a statement and plan showing the number and the location of the houses, cottages and other buildings which the said company contemplate building during such ensuing year, together with a statement of the lots on which they are proposed to be built in accordance with the said plan of subdivision. Such plan and statement shall, however, provide for the erection of at least one house for every three lots comprised in the said plan and statement. If the company shall furnish any such statement and plan for any particular year and shall thereafter fail in any substantial degree to execute and carry out the building operations therein specified, in due time, or if the company shall make default in payment of any money due by it to the municipal corporation under any of the provisions of this agreement, then and in either of such events the company shall compensate the municipal corporation by paying to said municipal corporation the amount of the loss, damage or injury, direct or indirect, caused by such failure or default or incidental thereto or arising therefrom; and the said municipal corporation shall not thereafter be called on or obliged to complete any improvement under this agreement until in the one case the scheme of building operations as proposed by the company shall have been substantially carried out or in the other case until the money so due shall have been paid in full, and not in either case until the compensation for said loss, injury or damage shall have been paid. Nevertheless when such building operations shall have been substantially carried out or such monies due paid (as the case may be) and such compensation paid, any such default on the part of the company shall be deemed to be cured or repaired and the company shall be restored to its rights to make further requisitions hereunder, as if no such delay had occurred or default been made, but in such case the municipal corporation shall not be liable to proceed at once with such further works or improvements as may be then required if the time for the execution thereof be unseasonable, nor, in such case, until a reasonable time shall have elapsed having regard to the season of the year and the climatic conditions then prevailing. If any differences arise between the parties with regard to the provisions of this paragraph they shall be settled and determined in the same manner as is hereinafter provided for the settlement of other differences which may arise between them under this agreement.

4. The said improved streets, roads and sidewalks and the extension of the water and sewer systems and the other said improvements shall be constructed from time to time according to plans and specifications to be prepared by the said company, but only after the same shall have been submitted to the said municipal corporation for approval and only after the same shall have been so duly approved, and if any differences arise with

regard

regard thereto which the parties hereto are themselves unable to settle, such differences shall be determined in manner hereinafter provided for.

5. All such contracts for the construction of such roads, sewers and sidewalks, and for all other improvements undertaken pursuant to the provisions of this agreement or any of them shall be awarded by the municipal corporation, only after tenders for the same shall have been called for, after due public advertisement and the company shall have the right to tender therefor, and if their tender should be the lowest tender, on the same conditions as apply to all tenderers, they shall be awarded the contract or contracts by the municipal corporation; provided however that if no tender is acceptable the municipal corporation may either call for new tenders to be sent in or may itself cause the work to be executed.

6. The municipal corporation shall, whenever reasonably required so to do by the company, acquire by purchase, expropriation or otherwise the lands required for one street extending from the said the Riordon Annex to McGill Street, as laid down or to be laid down on the said plan or subdivision as finally settled and approved by all necessary parties and shall by by-law declare the same to be a public highway. Should the development and progress of the works and improvements to be carried on by the company in said annex and the accommodation of the residents therein demand the opening up and maintenance of one or two more streets between said McGill Street and said Annex, the municipal corporation, at the request of the company, shall open up one or two more streets between the said McGill Street and the said Annex and the work to be performed on the said street or streets shall be carried on by the municipal corporation in the manner and as provided for the rest of the work covered by these presents and shall be paid for in the same manner, time and proportion as for the other works covered by this agreement. Provided further that the site or location of said other street or streets shall in each case be subject to the approval of the municipal corporation. The said municipal corporation shall open the said street or streets for public travel and shall improve the same as required in the same manner and to the same extent and on the same terms as is herein provided for the improvements of the streets and highways of the said the Riordon Annex, it being agreed that the provisions of the next following paragraph of this agreement as to the proportions in which the cost of works done under this agreement shall be paid, shall apply as well to the expense incurred by the municipal corporation in acquiring or expropriating the lands for the said now proposed street as well as for any other street or streets leading to McGill Street, as well as for the improvements thereof, that is to say: The said company shall pay sixty per cent. of such cost and the said the municipal corporation shall pay the remainder thereof, in the terms of the next following paragraph, but it is expressly declared that the provisions of this paragraph shall apply only to such streets extending from the said the Riordon Annex to McGill Street as shall be opened and established at the express written request or demand of the said company and shall not apply to any other such streets (if any there be) which may be open or established by the said municipal corporation voluntarily or for its own purpose or on its own initiative or otherwise than upon the express and written demand or request of the said company under the provisions of this agreement. It is the intention of the parties that no demand under this paragraph shall be made upon the municipal corporation at an unreasonable time, having regard to the market conditions of real estate, and if any such demand be made at a time which the said municipal corporation deems to be unreasonable, then the difference so arising shall be determined either by arbitration or by the Ontario Railway and Municipal Board under the provisions hereinafter contained, for determination of conditions and both parties shall be bound to accept any ruling

which

which may be so made as to the time when the demand or demands of the company under this paragraph shall be complied with.

7. The company shall pay sixty per cent. of the cost of all the improvements imposed or undertaken by the town under the provisions of this agreement and reasonable legal expenses, advertising charges, cost of service of notices, engineering fees and cost of superintendence of the work and insurance shall be considered as part of such cost. The company shall pay the said proportion of sixty per cent. to the municipal corporation upon presentation by the municipal corporation to the said company of a statement showing the amount due for reasonable legal expenses, advertising, cost of service of notices, engineering fees, cost of superintendence of work and insurance, and the company shall pay to the said municipal corporation said sixty per cent. of the cost of such work and improvements upon presentation from time to time of progress or final certificates of the engineers in charge of the said works. And the municipal corporation shall not be obliged to prosecute any such work or improvements already begun or commence any other work or improvement of any kind unless and until said sixty per cent. of the cost thereof shall have been so from time to time paid by the company to the said municipal corporation. If any differences as to the items properly chargeable arise, which the parties are unable to settle themselves, such differences shall be determined by arbitration or by the Ontario Railway and Municipal Board in manner hereinafter provided. The remainder of the cost of all such improvements, namely 40 (forty) per cent. thereof, shall be paid and borne by the municipal corporation and shall be provided for in such manner as may be deemed advisable but the taxes therefor or for any debentures issued therefor (if any there be) with any interest thereon shall be levied against the whole rateable property in the municipal corporation, whether in the said Riordon Annex or in the rest of the municipality.

8. Notwithstanding anything herein contained it is declared and agreed that the total sum which the said municipal corporation may be called on or liable to expend under the provisions of this agreement shall not exceed the sum of \$375,000. and that the municipal corporation shall not be called on or liable to expend on the said works and improvements in any one year a sum in excess of \$40,000, both of which sums shall be paid and discharged by the company and the municipal corporation in the above proportions, namely, the company sixty per cent. (60%), and the municipal corporation forty per cent. (40%); in other words, that the liability of the municipal corporation for all the works contemplated shall be limited to the sum of \$150,000, and for and during any one year to the sum of \$16,000.

9. If any differences arise between the parties with regard to any of the provisions of this agreement or with regard to any liability of either of them to the other, under any of the said provisions or with regard to or arising out of any of the work to be done or improvements to be made or other things to be done or constructed under any of the provisions hereof, then every such difference, if the parties fail to adjust it themselves, shall be determined as follows: If the difference is one which involves only the consideration of the amount of money to be paid by either party hereto, and such sum does not exceed one thousand dollars (\$1,000.00) such difference shall be referred to arbitration in manner hereinafter provided, and all other differences arising shall be referred to the Ontario Railway and Municipal Board for determination; if, however, that board shall decline to act either for want of jurisdiction or for any other reason, then any matter in difference may be determined by arbitration in manner hereinafter provided and the judgment of the Ontario Railway and Municipal Board or the award of the said arbitrators or a majority of them (in case of arbitration) shall be final and binding upon the parties.

10. In any case arising for arbitration under the provisions hereof, arbitrators shall be appointed in the following manner: The company and the municipal corporation shall each appoint an arbitrator; the arbitrators shall appoint a third arbitrator; if they fail to agree upon a third arbitrator such third arbitrator may be appointed by either of the Judges of the County Court of the United Counties of Prescott and Russell, and the award of the arbitrators or a majority of them shall be final and binding upon the parties hereto; in all matters relating to such arbitration not herein provided for, the provisions of the *Ontario Arbitration Act* shall apply.

11. It is further agreed that the company shall not, without the consent in writing of the municipal corporation, evidenced by a formal resolution of the municipal corporation agreeing thereto, assign or transfer this agreement, or any part thereof, unless such transfer or assignment is part of and included in a conveyance of all the company's assets real and personal in and about the Town of Hawkesbury to a company taking such conveyance of said assets as a going concern for the purpose of continuing to carry on the operations now carried on by the company in and around said Town of Hawkesbury.

12. It is further agreed that this agreement shall have no force and shall not be binding on the parties hereto, their assigns or successors respectively, until and unless the same is submitted to the ratepayers of the Town of Hawkesbury entitled to vote upon such a submission and is approved by at least fifty-one (51) per cent. of such ratepayers who shall cast their votes on such submission.

13. It is further agreed that the Bill which has been introduced and is now before the Legislature of the Province of Ontario for the ratification of the said agreement marked "A" shall be amended when the said Bill is dealt with by the Committee of the House to whom it shall be referred and that a clause will be inserted therein providing that the present agreement shall be substituted to said agreement marked "A," and that this present agreement shall have no force or effect and shall not be binding until and unless it has been submitted to and approved by the ratepayers of the municipal corporation entitled to vote on such submission and unless it has received the approval of at least fifty-one (51) per cent. of such ratepayers entitled to and who shall vote thereon, the whole in accordance with the provisions and requirements of *The Municipal Act* in that respect and of this agreement.

14. It is also agreed that all the expenses incurred in the preparation and completion of this agreement and with the submission and passing of the said Bill now before the said Legislature and the submission of this agreement to the said ratepayers, whether this agreement is or it is not so approved by said ratepayers, shall in any event be paid by the company and the municipal corporation in the above named proportions, that is to say, sixty (60) per cent. by the company and forty (40) per cent by the municipal corporation.

In witness whereof the respective corporate seals of the parties hereto have been affixed, and the managing director of the said company and the mayor of the said corporation have hereunto set their seals.

Signed, sealed, and delivered

in the presence of

(Signed) EUG. PAQUETTE.

(Signed) AMEDE SABOURIN,

Mayor

(Seal of the Town of Hawkesbury.)

THE RIORDON PULP & PAPER COMPANY, LIMITED.

CARL RIORDON,

(Signed) RE CAMPBELL.

Managing Director.

(Seal R. P. & P. Co.)

CHAPTER

CHAPTER 126.

An Act respecting the Town of Hespeler.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the Town of Hespeler has, by petition, represented that the watermains in the said town are in many cases laid along properties, the owners of which do not take water or pay anything to the revenue of the waterworks or the interest on the debentures issued by the municipality therefor, although such properties are increased in value thereby and that in consequence thereof the general water rates are higher than they otherwise would be, and that there is now no effective way of charging any unpaid special rates against the properties benefitted by the mains; and that it is desirable that power should be granted to levy and collect a special rate upon all properties fronting on streets, lanes and alleys along which watermains are laid and to provide that all special rates shall be a lien on all properties served with mains and with the right of distress and sale of said lands as in the case of taxes in arrear and unpaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Special rate
against lands
fronting or
abutting on
water mains.

1. The Municipal Council of the Town of Hespeler shall have power by by-law to levy and charge a special rate upon the several lands, lots or parts of lots whether occupied or vacant fronting or abutting upon all streets, lanes and alleys in the said municipality upon which watermains from which the corporation is willing to supply water are laid, which special rate shall be an annual rate according to the frontage of the said lands, lots or parts of lots which rate shall not exceed five cents per foot for such frontage; and that the said corporation may provide an equitable mode of assessing corner lots, triangular and other irregularly shaped pieces of land or lands unfit for building purposes where the council of the said corporation deem it inequitable to assess
the

the full frontage thereof, or to assess at as high a rate as other lands fronting on any street; provided that such special rate shall not be charged or levied upon lands the owners or occupiers of which are or become users of water from such mains in respect of said lands.

2. The said corporation by by-law to be passed by the municipal council thereof shall have power to employ such person or persons as they think proper to make the measurements of frontages for the purposes hereof in cases where the frontage of the lands, lots or parts of lots have not, in the judgment of the said council been properly set out in the town assessment roll and to fix the compensation of the said person or persons.

3. The said special rate shall be payable at the time or times during each year fixed by the municipal council of the said corporation for payment thereof and until paid shall be a lien and charge upon the lands, tenements, lots or parts of lots against which the same are charged or assessed and arrears of such special rates may, with interest thereon at the rate of ten per cent. per annum from the time of default in payment be collected in the same manner and by the same officials and by the same process as arrears of taxes are collectable under the provisions of *The Assessment Act*.

Measure-
ment of
frontages.

Payment
of special
rate.

Rev. Stat.,
c. 195.

4. This Act shall take effect as if it had been enacted on the first day of January, A.D. 1920.

Date when
Act to take
effect.

CHAPTER 127.

An Act respecting the Town of Leaside.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the Town of Leaside has, by its petition, represented that it is desirable that by-law number 104, set out in schedule "A" hereto, to aid Canada Wire and Cable Company, Limited, by a fixed assessment as set out in the said by-law and that by-law numbered 105 to fix the assessment of certain property of Leaside Munitions Company, Limited, as set out in schedule "B" hereto, should be ratified and confirmed; and whereas the said corporation has prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Confirmation of by-laws granting fixed assessments to Canada Wire and Cable Co. and Leaside Munition Co.

1. By-law number 104 of the Town of Leaside, entitled A By-law to Grant to Canada Wire and Cable Company, Limited, a fixed assessment on certain property at Leaside, which by-law is set out in schedule "A" hereto and by-law number 105 of the said Town of Leaside entitled, A By-law to Grant to Leaside Munitions Company, Limited, a fixed assessment on certain property at Leaside, set out in schedule "B" hereto, are hereby confirmed and declared to be legal, valid and binding, upon the said Corporation of the Town of Leaside and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the municipality to pass the said by-laws.

SCHEDULE "A."

BY-LAW NUMBER 104.

A by-law to grant to Canada Wire and Cable Company, Limited, a fixed assessment on certain property at Leaside;

Whereas by the Act 3-4 George V. Chap. 102 (Ontario), the Corporation of the Town of Leaside was created a corporation or body politic separate and apart from the Township of York;

And

And whereas by *The Municipal Act* made applicable by the said first mentioned Act 3-4 George V. to the said Town, the council of the said corporation has power to pass by-laws for fixing the assessment of any property in the municipality for the purpose of promoting manufacturing;

And whereas Canada Wire and Cable Company, Limited, has represented to the municipal council of the Corporation of the Town of Leaside, that it is the owner of the lands hereinafter described which it purposes to use for manufacturing purposes and has petitioned the said Council to fix the assessment of the property hereinafter described;

And whereas the said municipal council deems it expedient and in the interest of the said corporation to grant the said petition on the terms and conditions hereinafter more particularly set out;

Be it therefore enacted by the municipal council of the Corporation of the Town of Leaside, and it is hereby enacted as a by-law of the said corporation as follows:

1. The fixed assessment hereby granted shall apply to the following lands and premises, namely, all that parcel of tract of land and premises in the Town of Leaside in the County of York, being composed of parts of lots sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy and seventy-one as shown on registered plan 697, a sub-division of the south half of lot fifteen, concession three from the Bay, which may be more particularly described as follows:

Commencing at a point on the southerly production of the easterly limit of Laird Drive, two hundred and sixty-six feet measured southerly from the intersection of the easterly limit of Laird Drive with the northerly limit of Soudan Avenue, as shown by registered plan 1925, registered in the registry office for the County of York; thence easterly and parallel to Soudan Avenue, one thousand and thirteen and two-tenths feet; thence southerly parallel to the said production of the easterly limit of Laird Drive four hundred and thirty feet; thence westerly parallel to the northerly limit of Soudan Avenue, one thousand and thirteen and two-tenths feet to the southerly production of the easterly limit of Laird Drive at a point six hundred and ninety-six feet measured southerly from the intersection of the easterly limit of Laird Drive with the northerly limit of Soudan Avenue; thence northerly along said production four hundred and thirty feet, more or less to the place of beginning, said parcel of land containing by admeasurement ten acres, more or less.

2. A fixed assessment at the rate of fifteen hundred dollars per acre for the lands and premises hereinbefore described, is hereby granted to the said Canada Wire and Cable Company, Limited.

3. The said fixed assessment shall apply to and affect all general and municipal taxation, including local improvement taxation of the town, except taxation for school purposes and shall continue until the expiration of ten years from the date when this by-law takes effect.

4. The said fixed assessment shall include all factories, buildings, machinery, plants and other manufacturing accessories now erected or which may hereafter be erected on the lands hereinbefore described or on any part thereof for manufacturing purposes whether the same be united in one manufacturing plant and under one control or constitute separate plants under separate management and control.

5. The benefit of the fixed assessment hereby granted shall enure to the successors and assigns of the said Canada Wire and Cable Company, Limited.

6.

6. This by-law shall take effect from and after the first day of January 1919.

Read a first time, the sixteenth day of May, 1919.

Read a second time, the twenty-fifth day of September, 1919.

Received the assent of two-thirds of the electors voting thereon the twenty-fifth day of October, 1919.

Read a third time and finally passed in open council by the affirmative vote of three-fourths of all the members of the council, the eleventh day of November, 1919.

As witness, the Corporate Seal of the Corporation of the Town of Leaside, and the signature of the Mayor and Clerk, thereof.

R. P. ORMSBY,
Mayor.

(Seal.)

A. T. LAWSON,
Clerk.

SCHEDULE "B."

BY-LAW NUMBER 105.

A by-law to grant to Leaside Munitions Company, Limited, a fixed assessment on certain property at Leaside;

Whereas by the Act 3-4, George V., Chap. 102 (Ontario) the Corporation of the Town of Leaside was created a corporation or body politic separate and apart from the Township of York;

And whereas by *The Municipal Act* made applicable by the said first mentioned Act 3-4 George V., to the said Town of Leaside, the council of the said corporation has power to pass by-laws for fixing the assessment of any property in the municipality for the purpose of promoting manufacturing;

And whereas Leaside Munitions Company, Limited, has represented to the municipal council of the Corporation of the Town of Leaside, that it is the owner of the lands hereinafter described which it purposes to use for manufacturing purposes and has petitioned the said council to fix the assessment of the property hereinafter described;

And whereas the said municipal council deems it expedient and in the interest of the said corporation, to grant the said petition on the terms and conditions hereinafter more particularly set out;

Be it therefore enacted by the municipal council of the Corporation of the Town of Leaside, and it is hereby enacted as a by-law of the said corporation as follows:

1. The fixed assessment hereby granted shall apply to the following lands and premises, namely, all that parcel or tract of land and premises in the Town of Leaside in the County of York, being composed of parts of lots fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three and sixty-four, as shown on registered plan number 697, a sub-division of the south half of lot fifteen, concession three from the Bay, and also part of the north half of lot fourteen concession three from the Bay, being more particularly described as follows:

Commencing at a point on the southerly production of the easterly limit of Laird Drive, six hundred and ninety-six feet measured

sured southerly from the intersection of the easterly limit of Laird Drive with the northerly limit of Soudan Avenue, as shown on registered plan number 1925 registered in the registry office for the County of York; thence easterly and parallel to Soudan Avenue, as shown on said registered plan number 1925, one thousand and thirteen and two-tenths feet; thence northerly and parallel to the said southerly production of the easterly limit of Laird Drive four hundred and thirty feet to a point one hundred and eighty-six feet south of the southerly limit of Soudan Avenue; thence easterly and parallel to Soudan Avenue, nine hundred and twenty-eight and eight-tenths feet, more or less to the southerly production of the westerly limit of Clarke Street, as shown on said plan 1925; thence south along said southerly production of the westerly limit of Clarke Street, six hundred and thirty-two feet; thence westerly and parallel to Soudan Avenue, nineteen hundred and forty-two feet, more or less to the said southerly production of Laird Drive; thence northerly along said southerly production of Laird Drive two hundred and two feet, more or less, to the said point of commencement. Said parcel of lands as described containing by admeasurement eighteen and seventeen-hundredths acres, more or less.

2. A fixed assessment at the rate of fifteen hundred dollars per acre for the lands and premises hereinbefore described is hereby granted to the said Leaside Munitions Company, Limited.

3. The said fixed assessment shall apply to and affect all general and municipal taxation, including local improvement taxation of the town, except taxation for school purposes and shall continue until the expiration of ten years from the date this by-law takes effect.

4. The said fixed assessment shall include all factories, buildings, machinery, plants and other manufacturing accessories now erected or which may hereinafter be erected on the lands hereinbefore described or on any part thereof for manufacturing purposes, whether the same be united in one manufacturing plant and under one control or constitute separate plants under separate management and control.

5. The benefit of the fixed assessment hereby granted, shall enure to the successors and assigns of the said Leaside Munitions Company, Limited.

6. This by-law shall take effect from and after the first day of January, 1919.

Read a first time, the sixteenth day of May, 1919.

Read a second time, the twenty-fifth day of September, 1919.

Received the assent of two-thirds of the electors voting thereon, the twenty-fifth day of October, 1919.

Read a third time and finally passed in open council by the affirmative vote of three-fourths of all the members of the council, the eleventh day of November, 1919.

As witness the corporate seal of the Corporation of the Town of Leaside and the signature of the mayor and clerk thereof.

R. P. ORMSBY,
Mayor.

(Seal.)

A. T. LAWSON,
Clerk.

CHAPTER 128.

An Act respecting the Municipality of Neebing.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the Municipality of Neebing has by petition represented that it is desirable and in the interests of the ratepayers of the said Corporation and the public generally that all assessment rolls, tax sales and deeds made, held and given prior to the 31st day of December, A.D. 1919, of lands within the Municipality of Neebing should be confirmed, and has prayed that an Act may be passed for such purpose;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Tax sale
and deeds
confirmed.

1. All sales of lands within the limits of the Municipality of Neebing made prior to the 31st day of December, 1919, and which purport to be made by the said Corporation or the Treasurer thereof for arrears of taxes in respect of the land so sold, are hereby validated and confirmed, and all deeds of the land so sold, executed by the proper officers of the Corporation purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed, or purported to have been so sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns, in fee simple, free from and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and incumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were sold.

Case of corporation as
purchaser.

2. This section shall apply to cases where the Corporation or anyone in trust for it, or on its behalf, became the purchaser or grantee of any such lands.

3. Nothing in this section contained shall affect any ac-^{Pending}tion, litigation or other proceeding now pending, but the^{litigation} same may be proceeded with and finally adjudicated upon in^{not affected.} the same manner and to the same extent as if this Act had not been passed.

4. This Act may be cited as *The Municipality of Neebing* ^{Short title.}
Act, 1920.

CHAPTER 129.

An Act respecting the County of Ontario.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the County of Ontario has by petition represented that by an Act passed in the ninth year of the reign of His Majesty, King George the Fifth, chaptered 100, amending *The Act to enable the Town of Oshawa to withdraw from the jurisdiction of the Council of the Corporation of the County of Ontario*, it was provided that the said Town and County, may at any time agree upon a fixed sum as the equalized assessment of the Town of Oshawa for a term of not more than five years, with power to agree for a further term thereafter, for not more than five years; and whereas the said Town of Oshawa and County of Ontario have agreed that the assessment of the said Town for County purposes should be fixed at \$3,-793,907 for five years from the 1st of January, 1920, being the equalized assessment of the said Town for that period; and whereas the said county, in pursuance of such agreement, have passed by-law No. 911, set out as schedule "A" hereto; and whereas the various other local municipalities of the said County of Ontario have agreed and desire that the assessment of their respective municipalities for a like term of five years shall be fixed as set out in the schedule to By-law Number 921 of the said Corporation of the County of Ontario, and whereas the said Corporation of the County of Ontario has by its petition prayed that an Act may be passed to ratify and confirm the said by-laws, and to confer the power of extending such fixed assessment for a further term of five years, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws 911
of County
confirmed.

1. By-law Number 911 of the Corporation of the County of Ontario, set out as schedule "A" hereto is hereby confirmed and declared to be legal, valid and binding upon the Corporation of the said County and of the Town of Oshawa.

2.

2. By-law Number 921 of the Corporation of the County of Ontario, set out as schedule "B" hereto, is hereby confirmed and declared to be legal, valid and binding on the Corporation of the said County of Ontario and on the local municipalities mentioned in the schedule thereto.

By-law
921 of
county
confirmed.

3. The said Corporation of the County of Ontario and the local municipalities therein, shall, at the expiration of five years, have the power to enter into an agreement fixing the equalized assessment of the various local municipalities in the said county for a further term of five years.

Power to
agree as to
further
fixed
assessment.

SCHEDULE "A."

BY-LAW No. 911.

A By-law to authorize an agreement upon a fixed sum as the equalized assessment of the Town of Oshawa for five years upon which taxes are to be paid during such period to the County of Ontario:

Whereas by an Act passed by the Legislature of Ontario at its last Session, amending the Act passed in the 6th year of the reign of King George V, Chapter 84, enabling the Town of Oshawa to withdraw from the jurisdiction of the Council of the Corporation of the County of Ontario, provision was made for an agreement between the said town and county, providing that at the next equalization of the County Assessment Rolls, the said town and county may agree upon a fixed sum as the equalized assessment for the Town of Oshawa for the term of five years.

Whereas the Councils of the Town of Oshawa and the County of Ontario have agreed that for the next five years, the assessment of the Town of Oshawa, shall be the sum of \$3,793,907.

Be it therefore enacted by the Council of the Corporation of the County of Ontario that the assessment of the Town of Oshawa for the period of five years commencing January 1st, 1920, with the present equalization of the county rates for the County of Ontario, shall be fixed at the sum of \$3,793,907.

Passed this 20th day of June, A.D. 1919.

J. E. FAREWELL,
County Clerk.

D. W. WALLS,
Warden.

(L.S.).

SCHEDULE "B."

BY-LAW No. 921.

A By-law to provide that the equalized assessment of the municipalities of this County shall be continued as equalized for the period of five years.

Whereas at the June Session of the Council of the Corporation of the County of Ontario, the several assessment rolls of the county were examined, as required by *The Assessment Act* and the assessment for each of the minor municipalities was fixed as stated and set out in schedule "A" hereto annexed, forming part of this by-law;

And whereas the assessment of the Town of Oshawa has, pursuant to the Act relating to the separation of the Town of Oshawa, been fixed for a period of five years, at the sum of \$3,793,907;

And whereas it is expedient that the assessments of the remaining municipalities of the County of Ontario, as shown in schedule hereto annexed, be fixed and adopted as a basis of equalization for a like period of five years;

Therefore

Therefore the Council of the Corporation of the County of Ontario, enacts as follows:—

That the several amounts opposite the names of the several municipalities of this county, in the schedule hereto annexed, be taken as the equalized assessment of the said minor municipalities for the period of five years from the date of the passing of this by-law;

That in case it is found necessary to have the proposed fixed assessment of the several minor municipalities for the said period of five years, validated by an Act of the Ontario Legislature, that all necessary proceedings to procure said Act, be taken by the Warden and Chairman of Finance.

Passed this 21st day of June, 1919.

J. E. FAREWELL,
County Clerk.

(L.S.).

D. W. WALLS,
Warden.

SCHEDULE

Schedule Referred to in the Report of the Equalization Committee
June, A.D. 1919Municipal Statistics for the year 1919. Exhibited in the Assessment
Rolls.Equalization for Purposes
of 1920

Municipality.	Population.	No. Acre	Value of real property exclusive of buildings.	Value of Buildings.	Total Value Real Property.	Business Assessment.	Tax Income.	Total Assessment.	Value of Real Prop-erty.	Business Assessment.	Taxable Income.	Total.
Pickering	4,268	71,961	\$2,470,890	\$975,547	\$3,446,444	\$26,310	18,275	\$3,491,029	\$4,144,468	\$26,310	\$18,275	\$4,189,053
East Whitby ..	3,087	32,025	1,172,510	639,100	1,811,610	29,660	1,825	1,843,095	1,628,727	29,660	1,825	1,660,212
Whitby Tp. ...	1,691	31,324	1,252,674	466,350	1,719,024	4,550	1,200	1,724,774	1,804,226	4,550	1,200	1,809,976
Reich	2,529	63,016	1,610,749	485,740	2,096,489	4,800	600	2,101,889	2,303,152	4,800	1,600	2,308,552
Scugog	3,399	11,023	202,984	86,940	289,924	250	550	290,724	334,730	250	550	335,530
Uxbridge Tp. .	2,102	51,853	700,249	311,550	1,011,799	2,052	8	1,013,851	1,235,084	2,052	8	1,237,124
Scott	1,804	49,306	1,045,072	349,625	1,394,697	3,550	1,398,247	1,398,247	1,427,133	3,550	1,398,247	1,430,683
Thorah	1,136	32,295	858,516	364,530	1,223,046	1,150	350	1,224,196	1,161,650	1,150	350	1,162,800
Brook	2,868	66,300	1,956,248	776,500	2,732,748	13,650	2,728,448	2,728,448	2,832,111	13,650	2,728,448	2,845,761
Man	2,502	32,115	1,224,903	93,400	1,318,303	18,631	2,700	1,684,434	1,771,932	18,631	2,700	1,790,263
Whitby Town .	3,040	3,800	388,120	926,455	1,314,575	77,083	26,250	1,249,884	377,699	77,083	26,250	390,753
Oxbridge	9,051	2,400	1,568,515	3,064,395	4,632,910	37,255	163,075	4,670,190	3,266,652	37,255	163,075	3,430,977
Uxbridge	1,346	500	90,425	437,845	528,260	43,560	5,575	533,835	587,077	43,560	5,575	592,652
Port Perry	1,044	600	89,120	456,865	545,985	42,117	19,614	565,600	453,941	42,117	19,614	473,555
Cornwall	760	457	82,070	263,130	345,200	29,226	7,300	354,526	231,476	29,226	7,300	238,002
Beaverton	783	418	74,576	302,975	377,551	22,031	3,300	402,854	306,228	22,031	3,300	331,559
												25,799,374

CHAPTER 130.

An Act respecting the Town of Orangeville.

Assented to June 4th, 1920.

WHEREAS the Municipal Corporation of the Town of ^{Preamble.} Orangeville has, by petition, represented that it has incurred a floating indebtedness of \$12,000 under the following circumstances: Commencing with the year 1914 the expenditure of the said town has exceeded the revenue and there is now owing to the Sterling Bank of Canada, the sum of \$12,000; and whereas the debenture debt of the said town, exclusive of local improvement debts is \$80,823.68 of which no part of the principal or interest is in arrear; and whereas the fixed assets of the said town are upwards of \$83,556.67; and whereas the rateable property of the said corporation for municipal purposes according to the last revised assessment roll is \$1,050,938, and the rate for municipal purposes for 1919 was 22.30 mills on the dollar and for school purposes 13.70 mills on the dollar, in all, 36 mills; wherefore the Corporation of the Town of Orangeville prays that authority be given to borrow \$12,000 to pay off the floating municipal debt of the said town; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The floating debt of the Corporation of the Town of ^{Floating debt consolidated at \$12,000.} Orangeville is consolidated at the sum of \$12,000 and the said corporation may borrow by a special issue of debentures the said sum of \$12,000 for the purpose of paying such floating debt now owing for municipal purposes.

2. The said debentures shall be issued within two years ^{Issue and term of debentures} after the passing of this Act and shall be payable in not more than five years from the issue thereof and shall bear interest at a rate not exceeding six and one-half per cent. per annum and may be issued with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

Equal annual instalments of principal and interest.

3. The said debentures may be issued payable in equal annual instalments of principal and interest, in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as possible to what is payable for principal and interest during each of the other years of the period within which the debts are to be discharged.

Special rate.

4. The said corporation shall levy in each year during the period within which said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Applications of proceeds of debentures.

5. The debentures and all money arising therefrom shall be applied in payment of said floating debt and for no other purpose.

Assent of electors not required.

6. It shall not be necessary to obtain the assent of the electors or ratepayers of the Town of Orangeville to the passing of any by-law which shall be passed under the authority of this Act, or for the purposes of carrying out the same or to observe the formalities in relation thereto ordinarily required by *The Municipal Act*, or any amendments thereto.

Rev. Stat., c. 192.

Irregularity in form not to invalidate.

7. No irregularity in the form of the said debentures or any of them or of any by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of said debentures or interest on any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or of issuing debentures or as to the application of the proceeds thereof.

Hypothecation of debentures.

8. The said corporation may, for the purposes herein mentioned, raise the money hereby authorized by way of loan on the said debentures or sell and dispose of the said debentures from time to time as it may deem expedient.

Date when Act to take effect.

9. This Act shall come into force and take effect immediately on the passing of it.

CHAPTER 131.

An Act respecting the City of Ottawa.

Assented to June 4th, 1920.

WHEREAS the Corporation of the City of Ottawa has ^{Preamble.}
presented a petition, praying that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the said Corporation may provide by ^{Power to borrow money for certain purposes without assent of electors upon 20 year debentures} by-laws, to be passed without obtaining the assent thereto of the electors of the said city, for borrowing upon debentures of the Corporation, bearing interest at such rate or rates as the Council may determine, and payable within twenty (20) years from their date of issue, of sums of money not exceeding the following, for the specified purposes:

- (a) \$18,500 to provide for the loss by discount on the sale of the debentures issued under by-laws of the Corporation numbered 4720, 4726, 4727, 4729, 4733, and 4732;
- (b) \$30,000 to provide for the cost of building new lavatories and cesspools at Lansdowne Park, a press building, and for making other necessary permanent improvements to the buildings and grounds of such park;
- (c) \$15,000 for acquiring and improving the triangular parcel of land situate between Spadina Wellington and Somerset Streets;
- (d) \$40,000 to provide for the cost of constructing and equipping a fire hall to serve the section of the city lying south of the Rideau Canal;
- (e)

- (e) \$50,000 to provide for the cost of constructing, equipping and furnishing an addition to the Isolation Hospital;
- (f) \$50,000 to provide for the cost of constructing and equipping, or of acquiring, a Corporation workshop and garage.

Power to borrow money for certain purposes without assent of electors on 30 year debentures.

2. The Council of the said Corporation may provide by by-laws, to be passed without obtaining the assent of the electors of the said city, for borrowing upon debentures of the Corporation, bearing interest at such rate or rates as the Council may determine, and payable within thirty (30) years from their date of issue, of sums of money not exceeding the following for the specified purposes:

- (a) \$50,000 to provide for the cost of constructing and of extending water mains, and of constructing new water services in connection with the waterworks system of the Corporation;
- (b) \$25,000 to provide for the cost of purchasing and installing water meters.

Debt and interest to be met out of water rates.

3. For the payment of the debt and interest represented by the debentures to be issued under the authority of the immediately preceding section hereof, there shall be annually raised by the Corporation during the currency of the said debentures, with the authority conferred upon the Corporation in and by the Act passed in the thirty-fifth year of the reign of Her late Majesty Queen Victoria, chaptered 80, and entitled *An Act for the Construction of Waterworks for the City of Ottawa*, from the water rates, a sum sufficient to discharge the said debt and interest when and as the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance and the cost of renewals in connection with the said waterworks and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said water works, but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation, by a special rate upon the assessable property of the said Corporation, according to the then last revised assessment roll thereof, a sum sufficient to make good such deficiency.

4.—(1) The Council of the said Corporation, instead of borrowing the separate sums authorized to be borrowed by sections 1 and 2, and issuing debentures therefor, may by a consolidating by-law provide for borrowing the aggregate of any two or more or such separate sums and for issuing one series of debentures therefor, provided that no such by-law shall consolidate debentures issued for any purpose of the waterworks of the Corporation, with debentures issued for any other purpose.

Consolidating by-law.

Recitals.

(2) The consolidating by-law shall show by recitals, or otherwise, in respect of what separate by-laws it is passed.

No rate imposed.

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it, or the interest thereon, but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

5. The Council of the said Corporation may provide by by-law that the treasurer of the Corporation shall, on the first day of May in each year, if the collector's rolls for the preceding year have been returned to him, or the collector, if the rolls are unreturned, add to the amount of the water rates owing and unpaid by the owner or occupant of any parcel of land or building, or part of any building, interest at the rate of six per centum per annum, calculated from the date upon which such water rates become payable to the Corporation, and providing that if such rates are paid during such year, the treasurer or collector, as the case may be, shall add interest at the said rate, upon such amount from the said first day of May to the date of payment.

Penalty for non-payment of water rates.

6. The Council of the said Corporation may provide by by-law to be passed under the provisions of *The Local Improvement Act*, in the method specified by clause *b* of section 8 of the said Act, notwithstanding the provisions of clause *j* of section 3 of the said Act, for acquiring by agreement with the owners thereof, or by expropriation under the provisions of *The Municipal Act*, and may expropriate with the authority and in the manner provided by *The Municipal Act*, a tract of land, and of land covered by the waters of Brown's Inlet, in the City of Ottawa, containing five (5) acres, more or less, and may, by the same or another by-law, provide for setting aside such lands as a public park, and for improving and maintaining the same and for raising such sum or sums of money as may be required to provide for the cost of acquiring or expropriating and improving and converting such land and land covered by water into a public park, and for assessing one-half ($\frac{1}{2}$) of the

Power to acquire and expropriate under Rev. Stat., c. 193, certain land for a public park. Rev. Stat., c. 192.

Assessment of cost.

the amount required for such purposes, in part against the lands abutting directly thereon, and also in part against such other lands as do not abut directly thereon, but as will, in the opinion of the Council of the said Corporation, be benefited thereby, and the Council of the said Corporation shall determine what proportion of the ratepayers' share of such cost shall be assessed against the lands abutting directly thereon, and also what proportion shall be assessed against the lands that do not abut thereon, but as will be benefited thereby.

Power to undertake certain works as local improvement to replace works of like character.

7.—(1) The Council of the said Corporation may provide by by-laws, to be passed under the provisions of, and with the authority conferred by *The Local Improvement Act*, for undertaking and completing, and for assessing and levying the cost of, any and all of the following works, notwithstanding that the debentures heretofore issued to provide for the cost of existing local improvement works of like character which the proposed works will replace either in whole or in part have not as yet been retired:—

- (a) The construction of an asphalt pavement and concrete sidewalks on Somerset Street, between Bank and Bay Streets;
- (b) The resurfacing and repairing of the asphalt pavement on Laurier Avenue between Elgin Street and Laurier Avenue Bridge;
- (c) The resurfacing and repairing of the asphalt pavement on Clarence Street between Sussex Street and Parent Avenue;
- (d) The construction of an asphalt pavement on Wellington Street between the westerly limit of the property acquired by the Dominion Government and Pooley's Bridge, and upon the said bridge.

Payment out of general funds of ratepayers' shares under certain by-laws.

(2) Should the Council avail itself of the authority conferred by subsection (1) of this section, it shall raise and pay annually out of its general funds, all such sums as may remain to be raised, in and after the year in which the first annual instalments of the cost of constructing such works shall become payable, to defray the ratepayers' share of the cost of the local improvement works constructed under the provisions of local improvement by-laws numbers 2192, 2195, 2657, 2373 and 3287.

8. The council of the corporation may by by-law, to be ^{Power to borrow} passed without obtaining the assent of the electors, thereto, ^{\$20,000.00} borrow upon debentures of the corporation, bearing interest ^{for road making machinery.} at such rate as the council may determine, and payable within five years from their date of issue, the sum of \$20,000.00 to provide for the cost of purchasing road making and workshop machinery.

9.—(1) The Corporation of the City of Ottawa and ^{Agreement for acquiring} the Corporation of the County of Carleton may agree with ^{of} the owner of that certain island situate in the Rideau River. ^{Cummings Island.} and lying opposite the easterly end of Rideau Street in the City of Ottawa, and known as "Cummings Island," to purchase, and may purchase, the same for the price of \$30,000, and may agree with each other that such Corporations shall each pay one-half of the said sum.

(2) Each of the said Corporations is hereby authorized ^{Issue of debentures.} to pay or to contribute its share of the cost of the purchase of the said island, out of any moneys raised or to be raised upon debentures issued under the authority of any by-law passed or to be passed by it for the purpose of providing for the payment of the cost or any portion of the cost to be contributed by such Corporation, of constructing a new bridge across the Rideau River, connecting the easterly part of Rideau Street in the City of Ottawa, with the westerly part of Main Street in the Town of Eastview.

(3) If the said Corporations agree with said owner as ^{Cost of land to be part of cost of bridge.} in this section provided, the cost of acquiring the said "Cummings Island" shall be deemed to be necessary for and incidental to the work of constructing the bridge mentioned in subsection 2 of this section.

CHAPTER 132.

An Act to enable the Corporation of the City of Ottawa to acquire, construct, extend and operate a local transportation system, and to provide for the management of the same.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the City of Ottawa has, by its petition, represented that, under an agreement dated the 28th of June, A.D. 1893, and made between the said Corporation, the Ottawa City Passenger Railway Company, and the Ottawa Electric Street Railway Company, it was agreed that the said Corporation might, after giving at least six months' notice prior to the 13th day of August, 1923, assume the ownership of so much of the railway of the said Companies as is situate in the Province of Ontario, and of all the real and personal property therein used in connection with the working thereof, on payment of the value thereof, to be determined by arbitration; that it was by the said agreement expressed to be the intention of the Ottawa City Passenger Railway Company and the Ottawa Electric Street Railway Company to amalgamate the said Companies; and that it was provided that the terms of the said agreement should apply to the company to be formed by such amalgamation; that the said agreement was, by an Act of the Legislature, passed at the session thereof, held in the fifty-seventh year of the reign of Her late Majesty Queen Victoria, and chaptered 76, declared to be valid and binding upon the parties thereto, and that by the said Act the Ottawa Electric Street Railway Company was authorized to sell and convey its franchises and assets to the Ottawa City Passenger Railway Company and to amalgamate with such Company; that by a certain other agreement made the 26th day of March, A.D. 1894, the Ottawa Electric Street Railway Company sold out and conveyed all its franchises and assets to the Ottawa City Passenger Railway Company; that by an Act of the Parliament of Canada passed at the session thereof held in the fifty-seventh and fifty-eighth years of the reign of Her late Majesty Queen Victoria, and chaptered 86, the said agreements dated respectively

spectively the 28th day of June, A.D. 1893, and the 26th day of March, A.D. 1894, were ratified and confirmed, and the name of the Ottawa City Passenger Railway Company was changed to "The Ottawa Electric Railway Company," and it was provided that all the franchises, powers and privileges theretofore, or by the said Act, granted to, or conferred upon, the said Companies, or either of them, were to be exercised and enjoyed by the Ottawa Electric Railway Company, subject to the terms of the said agreement dated June 28th, 1893; that at the annual municipal elections held at the City of Ottawa on January 6th, 1919, a question whether the said Corporation should exercise its right to assume on the 13th day of August, A.D. 1923, the ownership of so much of the railway and of the real and personal property of the Ottawa Electric Railway Company as is situate in Ontario, was submitted to the electors of the said city, and that the said electors voted in favour of the Corporation assuming the ownership thereof, and that the said electors, on the said date, also voted in favour of the said railway being managed, after its acquisition, by an appointed commission; and whereas the Corporation has, by its petition, prayed that it may be authorized to raise upon debentures of the Corporation, by by-laws to be passed without submitting the same to the electors of the said city for their approval, such sums of money as it may deem necessary in order to provide for making payment of the value of so much of the railway and of the real and personal property of the said Company as is to be acquired by the Corporation pursuant to the terms of the said agreement dated June 28, 1893, and that it should be authorized to raise, in like manner, such sums of money as it may be required or directed to pay into the Supreme Court of Ontario, or to the said Company, upon taking possession of such part of the railway and of the real and personal property of the said Company, and, as may be required, for making payment for additional rolling stock, plant, equipment, real and personal property, and for making provision for, or payment of, the cost of extending, renewing or repairing the part of the said railway, acquired or to be acquired by the Corporation, and also that, in the event of the said Company agreeing to sell to the Corporation such part of its railway and of its real and personal property as is situate outside the Province of Ontario, the Corporation should be authorized to raise, in like manner, such further sums as may be required in order to make payment of the amount to be paid the Company therefor; and whereas the Corporation has also prayed that a commission of three members should be established with power to operate, repair, maintain and extend the whole or such part of the said railway as is acquired by the Corporation, and to have

and

and to exercise the powers and to perform the duties hereinafter set forth; and whereas the Corporation has, by its said petition, also prayed that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act;

(a) "Corporation" shall mean the Corporation of the City of Ottawa;

(b) "Commission" shall mean the Ottawa City Transportation Commission;

(c) "Council" shall mean the Council of the Corporation of the City of Ottawa; and

(d) "Company" shall mean The Ottawa Electric Railway Company.

Establishment of transportation commission.

2.—(1) The Council of the Corporation of the City of Ottawa may, at any time after the passing of this Act, establish by by-law, a commission under the name of The Ottawa City Transportation Commission.

How composed.

(2) Such Commission shall be a body corporate, and shall consist of three members, each of whom shall be a resident, and an elector, of the City of Ottawa.

How appointed.

(3) The members of the Commission shall be appointed by the Council upon the nomination of the Board of Control of the said City.

Term of office.

(4) The term of office of the three persons first appointed members of the Commission shall be regulated as follows:— One member designated by the Council shall hold office until the end of the first year after the year of his appointment; one member designated by the Council shall hold office until the end of the second year after the year of his appointment, and the remaining member shall hold office until the end of the third year after the year of his appointment.

Appointment of successors.

(5) So often thereafter as the term of office of a member of the Commission expires, the Council shall appoint as member some qualified person, nominated by the Board of Control, who shall hold office for three years from the date of his appointment.

(6)

(6) A member of the Commission shall hold office until his successor is appointed.

(7) Whenever the office of a member of the Commission becomes vacant during his term of office, the Board of Control shall nominate, and the Council shall appoint, some qualified person a member thereof, who shall hold office for the remainder of the term for which his immediate predecessor was appointed. ^{Vacancies.}

(8) A member of the Commission shall, on the expiration of his term of office, be eligible to be reappointed thereto, provided he then is a resident and an elector of the City of Ottawa, and is not otherwise disqualified. ^{Members eligible for re-appointment.}

(9) The Council may provide by by-law for paying, and may pay, to the members of the Commission, such salaries as it shall deem expedient. ^{Payment of members.}

(10) No member of the Council shall be appointed a member of the Commission. ^{Members of council disqualified.}

(11) Two members of the Commission shall constitute a quorum for the transaction of business. ^{Quorum.}

3. Upon and after the acquisition by the Corporation of the railway and of the real and personal property of The Ottawa Electric Railway Company, used in connection with the working thereof, or of such part thereof as the Corporation is entitled to acquire under the provisions of that certain agreement, dated the 28th day of June, A.D. 1893, set forth in schedule "A" to the Act passed in the fifty-seventh year of the reign of Her late Majesty Queen Victoria, chaptered 76, the Commission shall have the control, operation and management thereof, and of all extensions and additions thereto, and of all property, real and personal, used in connection with the working thereof. ^{Control and management of property of Ottawa Electric Railway, when acquired.}

4. Except as in this Act is otherwise provided, the Commission shall possess, and may exercise, all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of street railways, heretofore or hereafter conferred upon, or exercisable by, the Corporation, provided that the Commission shall not have power to borrow money upon debentures of the Corporation, or by way of mortgage, chattel mortgage or fixed charge upon the plant, rolling stock, equipment, real and personal property of the railway. ^{Commission to have powers of corporation.}

5. The Commission shall, subject to the provisions of sections 4 and 12 of this Act, have full power and authority: ^{Powers of Commission.}

(a)

Construction
and opera-
tion of
railway, etc.

(a) To make, complete, alter, extend, maintain and operate a railway, tramway and any other means or system of local transportation worked by any power except steam, and to lay such rails and tracks as may be necessary or convenient upon, along and over the streets and public places of the City of Ottawa, and upon, along and over such of the streets and public places of the City of Hull and upon, along and over such of the streets and highways of the Townships of Gloucester and Nepean, in the County of Carleton, as the Commission, or the Corporation, may, at any time, be authorized to use by the Council of the City of Hull, or by the Councils of such Townships respectively, and upon, along, and over all lands owned, acquired, or leased by the Corporation, or by the Commission, for the purposes of the railway; provided that nothing herein shall confer upon the Commission the right to exercise any of the said powers within the Province of Quebec unless and until it has been authorized so to do either by the Parliament of Canada or by the Legislature of such Province;

Purchase of
rolling
stock, etc.

(b) To purchase, lease, acquire and use rolling stock, plant, equipment, real or personal property upon, or in connection with the whole or such part of the railway of the Ottawa Electric Railway Company as is, or is proposed to be, acquired by the Corporation, or upon, or in connection with, any other railway, tramway or other means or system of local transportation constructed or acquired or proposed to be constructed or acquired by the Corporation, and to enter into all contracts necessary or expedient for such purposes;

Carriage of
passengers
and freight.

(c) To take, transport, carry and convey passengers and freight upon all railways, tramways and other means or system of local transportation operated by it, to regulate the time and manner in which they shall be transported, and the tolls to be charged therefor;

Appointment
of officers,
workmen,
etc.

(d) To appoint, employ, discharge, fix the salaries and wages of, and to pay, all such officers, servants and workmen as, in the opinion of the Commission, may be necessary or useful for the purpose of operating the railway and other works

under

under its control, to specify the duties of all persons so employed, and to enter into agreements with such persons and classes of persons to secure their services for any term or length of service not exceeding three years;

(e) To provide for the establishment and maintenance of a pension fund for the benefit of such of its officers or employees as may from time to time be retired from its service by reason of length of service or disability; ^{Pension fund.}

(f) To agree from time to time with any incorporated bank for temporary advances to meet the expenses of operating and maintaining the railway and other works operated by the Commission, provided that the amount so borrowed shall not exceed two hundred thousand dollars at any one time. ^{Agreement for temporary advances.}

6. The Commission shall so regulate and fix all tolls, tariffs of tolls, and fares for the carriage of passengers and freight that they will produce in each year a sum sufficient to provide for the cost of operating the railway and other works, for their maintenance and upkeep in an efficient condition, for making such renewals and replacements as are properly chargeable to revenue, and for the payment in due course of the principal and interest of all outstanding debentures, encumbrances and other fixed and floating liabilities. ^{Tolls.}

7. Should the revenue derived from the railway and the other works operated by the Commission fall short in any year of the amount required to make the payments and to meet the obligations specified in section 6, then, and in every such event, the Commission shall so advance, regulate and fix the tolls, tariffs of tolls and fares to be charged during the then current year that they will produce a sum sufficient, both to make such payments and to meet such obligations during such year and to wipe out the deficit of the preceding year. ^{Deficiency in revenue—how made up}

8. Should there remain, in any year, a surplus of revenue, not expended or appropriated by the Commission, the same shall, subject to the provisions of section 10, remain at the disposal of the Commission, to be expended by it for the purposes authorized by this Act. ^{Application of surplus revenue.}

9. The Commission shall prepare and deliver to the Council, on or before the 15th day of December in each year, a financial statement of the Commission. ^{Financial statement of commission.}

year: (a) a financial statement of its affairs during the preceding fiscal year ending the 31st day of October, which shall include a revenue and expense account, a statement of assets and liabilities and a balance sheet; (b) a written or printed report of its operations during such year, and (c) shall also prepare and deliver to the Council on or before the 15th day of February in each year an estimate of its expenditures and revenue during the then current year.

Payment
over by
commission
to corpora-
tion.

10. The Commission shall, from time to time, pay over to the Corporation all such sums of money as may be required to provide for the payment in due course of the interest and sinking funds and the instalments of principal or of interest and principal combined, payable in respect of debentures issued by the Corporation for the purposes of the railway and other works operated by the Commission.

Audit of
books.

11. The Commission shall submit its books, documents, transactions, accounts, vouchers and papers to the audit and inspection of such person or persons as the Council may by resolution from time to time appoint for such purpose.

Issue of
debentures
by corpora-
tion on
request of
commission.

12. Whenever, and so often as, the commission deems it necessary or convenient that money should be raised upon debentures of the Corporation, for the purposes of the railway or other works operated by the Commission, it shall prepare and forward to the Council an estimate showing the purpose and amount of the proposed debenture issue. Should the Council, by an affirmative vote of two-thirds of the members thereof present and voting, approve of such debenture issue, it may pass a by-law without obtaining the assent of the electors thereto, for borrowing and may borrow, upon debentures of the Corporation, such sum or sums of money as may be requisite for such purpose. Should a motion to approve of the proposed debenture issue fail to receive a vote of two-thirds of the members present and voting, or should the Council fail, within six weeks after the date upon which such estimate is received by it, to provide by by-law for raising upon debentures such sum as may be requisite for the purposes therein specified, it shall submit a question as to whether such debentures shall be issued, to a vote of the electors qualified to vote on money by-laws, in the manner provided by *The Municipal Act*, and should such electors assent thereto the Council shall, within one month after the taking of such vote, pass a by-law authorizing the issue of such debentures and shall issue the same, and it shall not be necessary that such by-law shall be submitted to the electors for their assent.

Rev. Stat.,
c. 192.

13. All money earned by the operations of the railway and other works under the control of the Commission shall be kept separate from the general revenues of the corporation, in an incorporated bank, in the City of Ottawa, and, except in so far as is, in this Act, otherwise provided, shall be subject to the control of the Commission, and may be by it expended for any purpose authorized by this Act. All withdrawals from such account shall be made by cheque, and all cheques shall be signed in such manner and by such persons as the Council may, from time to time determine.

Revenue from railway to be kept separate from general revenues of corporation.

14. The Commission may, from time to time, invest the whole, or part, of the surplus earnings of the railway and of the other works operated by it, or, of the amount at the credit of any fund established by it, in any securities which a trustee is by law authorized to invest trust money in, and also in any debentures issued by the Corporation, and may from time to time call in, sell and convert into money any or all of such securities and reinvest the proceeds thereof.

Investment of surplus revenue.

15. The Corporation may provide by by-law that the Commission shall have charge of, and supervision over, all negotiations or proceedings taken, or about to be taken, by the Corporation, having to do with the purchase or acquisition of the whole or part of the railway, and of the real and personal property of the Ottawa Electric Railway Company used in connection with the working thereof.

Proceedings for acquiring Ottawa Electric Railway.

16. The Corporation is authorized to enter into an agreement with the Ottawa Electric Railway Company, for the sale by the Company and the purchase by the Corporation, of so much of the railway of the Company and of its real and personal property used in connection with the working thereof as is situate outside the Province of Ontario, provided that no such agreement shall be binding upon the Corporation, unless within three months after the date of the execution thereof it has been approved of by the Ontario Railway and Municipal Board, which approval the said Board is hereby authorized to grant or to withhold, as it shall deem expedient.

Acquiring property of railway company outside Ontario.

17.—(1) The Council may, from time to time, provide by by-law, to be passed after obtaining the assent of the electors qualified to vote on money by-laws, for borrowing upon debentures of the Corporation, and may borrow thereon, such sum or sums of money as it may deem necessary for the purpose of making payment of:

Power to borrow money to pay for property of Ottawa Electric Railway Company.

(a)

- (a) The value of so much of the railway and of the real and personal property of the Ottawa Electric Railway Company as the Corporation may have acquired, or may propose to acquire, under the provisions of the said agreement dated June 28th, 1893;
- (b) The amount to be paid the said Company under the terms of any agreement entered into by the Corporation under the authority conferred by section 16;
- (c) Such amount as the Corporation may be required or directed to pay into the Supreme Court of Ontario, or to the said Company, upon taking possession of such part of the railway and of the real and personal property of the Company used in connection with the working thereof as is situate in the Province of Ontario;
- (d) The costs and disbursements of the Corporation, including witness fees, of and incidental to any arbitration held under the provisions of the said agreement dated June 28th, 1893, and of and incidental to any appeal therefrom.

Term of
debentures.

(2) Debentures issued under the authority conferred by this section may be made payable in any manner authorized by *The Municipal Act*, and at latest within thirty (30) years from their date of issue, and may bear interest at such rate or rates as the council shall deem expedient.

Delivery of
debentures
to company
in payment
of amount
due.

18. Instead of borrowing upon debentures of the Corporation such sum or sums of money as the Council may deem to be required, for the purpose of making payment of the amount found to be due the Company, upon an arbitration held pursuant to the provisions of the said agreement dated the 28th day of June, 1893, the Corporation may agree with the Company to issue and to deliver and may issue and deliver, to the Company debentures of the Corporation in payment of the whole or part of such amount. Should such debentures be issued at a rate of interest which would not, in the opinion of the treasurer of the Corporation, expressed in writing, be sufficient to enable it to dispose of the same without discount, it may issue and deliver such debentures to the Company at such lesser price than par as may be agreed upon; provided that no such agreement shall be binding upon the Corporation, unless within three months after the date of the execution thereof, it has been approved of by the Ontario Railway and Municipal Board, which approval the said board is hereby authorized to grant or to withhold as it shall deem expedient.

19. The Corporation may, by by-law, agree to assume ^{Assumption of outstanding mortgages and liabilities of company.} and may assume, in satisfaction and discharge *pro tanto* of the amount found to be due by it to the Company upon an arbitration held under the provisions of the said agreement of the 28th day of June, A.D. 1893, any outstanding mortgages, debentures and other liabilities of the Company, and, for such purpose may execute all such agreements and documents as may be necessary or convenient.

20. Except as provided in section 22, nothing in this ^{Terms of agreement, how far to govern.} Act contained shall authorize the Council, or the Commission, to acquire that part of the railway of the Company, and of the real and personal property used in connection with the working thereof, as is situate within Ontario, in any manner other than that provided by the said agreement dated June 28th, 1893.

21. The Corporation may secure any money borrowed upon debentures, under the authority conferred by this Act, by a mortgage or charge upon the whole, or any part, of the railway acquired or constructed by it, and upon any or all of the real and personal property used in connection therewith, and it shall not be necessary that any by-law passed for such purpose should be submitted to the electors for their assent, or that their assent should be given thereto. Every such mortgage or charge may contain any provisions, terms and conditions which the Corporation may deem expedient. ^{Mortgage securing debentures.}

22.—(1) In the event of the Corporation giving notice ^{Board of arbitrators.} of its intention to assume, under the provisions of the said agreement dated the 28th day of June, 1893, the ownership of so much of the railway and of the real and personal property of the Ottawa Electric Railway Company used in connection with the working thereof, as is situate in Ontario, the arbitration to determine the value thereof, in the said agreement mentioned, shall be held by a board of three arbitrators, one of whom shall be appointed by the Corporation, one of whom shall be appointed by the Company, and the third of whom shall be appointed by the two so appointed.

(2) Should the Corporation or the Company fail or neglect to appoint its arbitrator or should the two arbitrators fail or neglect to agree upon the third arbitrator, or should an arbitrator or the third arbitrator refuse to act, be incapable of acting or die, the provisions of section 9 of *The Arbitration Act* shall apply.

(3) The said arbitrators shall have and may exercise the powers conferred by *The Arbitration Act*, and the provisions

of the said Act shall apply to and govern the said arbitration and all proceedings had or taken by the Corporation or by the Company upon or in respect of the said arbitration.

Short title.

23. This Act may be cited as *The Ottawa City Transportation Act*.

CHAPTER 133.

An Act to incorporate the City of Owen Sound.

Assented to June 4th, 1920.

WHEREAS the Corporation of the Town of Owen ^{Preamble.}
Sound has, by petition, represented that the Town of
Owen Sound has a population of over twelve thousand, that
it has many large and important manufactories and that
the number is steadily increasing, and that it is an important
shipping point and railway centre and has excellent and
extensive harbour facilities, and is also the centre of a pros-
perous agricultural district; and whereas a large number of
the citizens of the town and the board of trade have urged
upon the council of the municipality to apply to have the
town erected into a city and the municipal council of the
said town has so determined; and whereas from the con-
siderations aforesaid as well as from other considerations it
is expedient to grant the prayer of the petition;

Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. On and after the first day of June, A.D. 1920, the ^{Incorporation of the}
Town of Owen Sound shall be and is hereby incorporated as ^{City of}
a city, and shall be known as “The Corporation of the City ^{Owen Sound.}
of Owen Sound,” and as such shall enjoy and possess all
the rights, powers and privileges of cities under *The Muni-
cipal Act*.

2. The City of Owen Sound shall be divided as the Town ^{Wards.}
of Owen Sound has heretofore been divided into four wards
named respectively Bay Ward, West Ward, River Ward and
Centre Ward, and the boundaries and limits of the said
wards respectively shall be and remain as they existed pre-
viously to the passing of this Act, and until changed under
the provisions of *The Municipal Act*.

Council.

3. The council of the said city shall consist of the mayor, who shall be the head thereof, and twelve aldermen elected by general vote, subject, however, to the number of aldermen being changed under the provisions of *The Municipal Act*; provided that the present mayor and council of the said town shall be and continue to be the mayor and council of the said city and shall hold office until the election of their successors as and when provided to be held in cities under the provisions of *The Municipal Act*, and shall exercise all the rights and powers and perform all the duties pertaining to the office of mayor and aldermen respectively of the city, and in the event of the death, resignation or disqualification of the said mayor or any member of the said council, the vacancies so caused shall be filled in the manner provided by *The Municipal Act*.

City to stand
in place of
town.

4. The City of Owen Sound shall in all matters whatsoever stand and be in the place and stead of the Town of Owen Sound, and all property of every kind, and all rights, interests, assets and effects, taxes, rates, dues, revenues, contracts, obligations and income now belonging to or accruing due to, or which may be assessed for by the said town, shall pass, belong to and be the rights, property, assets, effects, taxes, revenues, contracts and obligations of the City of Owen Sound; and in the assessment for and collection of all the aforesaid property and revenues of every kind the City of Owen Sound shall have as full power in its name to assess for, demand, collect, sue for and receive the same as the said town could have, and the said city shall assume and hereby assumes all bills, debts, debentures and liabilities of any and every kind now due or contracted or accruing due, or for which the said town but for the passing of this Act would be liable, and the same shall be and may be collected and sued for, from and against the City of Owen Sound in precisely the same manner, except in the change of the name, as against the Town of Owen Sound; and all Acts, matters and things whatsoever which might lawfully be done by the Town of Owen Sound shall and may be done by the City of Owen Sound, and all matters begun or initiated by the said town may be completed by the said city, the meaning and intention hereof being that in all matters and things the said city shall be and stand in the place of the said town.

Officers of
town to
remain in
office.

5. The officers and servants of the said town shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said city, and the bonds now held by the Town of Owen Sound for the faithful performance of their duties shall continue to be in force against them and their sureties in favour of the said city to the same extent as they are now liable to the town.

6. The provisions of *The Municipal Act* relating to matters consequent on the formation of new municipal corporations, and all other provisions of *The Municipal Act*, except so far as is herein otherwise provided, shall apply to the said Corporation of the City of Owen Sound in the same manner as if the said town had been erected into a city under the provisions of *The Municipal Act*. Application of provisions of Rev. Stat., c. 192.

7. From and after the said town becomes a city on the first day of June, 1920, all elections to fill the offices of mayor and aldermen of the said city as well as all other elections (if any) shall be held as and when they are provided to be held by *The Municipal Act*, and shall be so held and conducted under and in accordance with the provisions of such municipal Acts and all the provisions of *The Municipal Act* now or hereafter from time to time in force in this province in respect to municipal elections, and parties entitled to become candidates for election or to vote thereat, shall apply to and be binding upon the said Corporation of the City of Owen Sound. Elections.

8. The City of Owen Sound shall be remain and form part of the County of Grey for judicial purposes. City to form part of Grey for judicial purposes.

9.—(1) The provisions of *The Ontario Highways Act, 1915*, and of *The Highway Improvement Act*, with respect to suburban county roads, shall apply to the City of Owen Sound except as follows:— Application of 5 Geo. V, c. 17, and Rev. Stat., c. 40.

(a) The rate to be levied by the City of Owen Sound shall not be limited to one-half mill, but shall be sufficient to provide in any year, an amount equal to that appropriated by the Council of the County of Grey for construction and maintenance of the suburban roads, as required by section 13 of *The Ontario Highways Act, 1915*, but shall, in no case, exceed a rate of three and one-half mills on the equalized assessment of the City of Owen Sound as hereinafter provided;

(b) The application of the Council of the County of Grey shall not be necessary to the direction by the Lieutenant-Governor in Council for the selection of a commission as provided by section 12 of *The Ontario Highways Act, 1915*;

(c) The City of Owen Sound and the County of Grey shall appoint their respective members of the commission as required by section 17 of *The*

Ontario Highways Act, 1915, before the 25th day of June, 1920;

- (d) For the year 1920 the notice required by section 14 of *The Ontario Highways Act, 1915*, may be given by the County of Grey any time before the 1st day of July, 1920;
- (e) The present equalized assessment of the property in the Town of Owen Sound for county purposes shall be and remain the equalized assessment for the purpose of this section for a term of five years from the first day of June, 1920, and at the expiration of such term or of any further term the assessment of such property may be equalized for a further term of five years by the Ontario Railway and Municipal Board upon application of either of the said municipal corporations, and the determination of the board shall be final and binding and without appeal;
- (f) The system of suburban roads designated by the commission may be from time to time amended by the Department of Public Highways, and may be extended or reduced as may be deemed equitable.

Effect of
section.

(2) This section shall cease to have effect when the population of the City of Owen Sound is certified by the said board to be over 15,000.

CHAPTER 134.

An Act respecting the Town of Perth.

Assented to June 4th, 1920.

WHEREAS the Corporation of the Town of Perth has Preamble.
by its petition represented that plans for a system of
sewers for the said town were prepared by Willis Chipman,
C.E., and that for the purpose of constructing part of such
system By-law No. 897 of the said town was passed on the
twenty-seventh day of July, 1903, and that such By-law
was confirmed by *The Town of Perth Act, 1904*, and
authority was given by that Act and by an Act entitled
An Act respecting the Town of Perth, being 8 Edward
VII, cap. 103 to the Municipal Council of the said
Town from time to time to pass By-laws for the enlarge-
ment or extension of such system of sewers but so that
the town's share of the cost of construction of such system,
including all debentures therefor, should not exceed the sum
of \$95,000; and whereas under the authority granted by
the said Acts the town has from time to time passed By-laws
authorizing the construction of enlargements or extensions
to the said system of sewers and has constructed the enlarge-
ments so authorized but has not been able to complete the
system according to the plan of Willis Chipman, C.E., with-
in the amount of \$95,000 authorized as the town's share of
construction cost owing to the abnormal cost of labor and
materials incident to such construction; and whereas the said
Corporation has represented that the town's engineer, A. E.
Morris, C.E., has reported that to complete the said system
of sewers a sum of \$50,000 in addition to the sum of \$95,-
000 authorized under *The Town of Perth Act, 1908*,
will be required to pay the Town's share of such construction
and that such completion is necessary; and whereas under
the provisions of *The Town of Perth Act, 1908*, the
rate of interest authorized to be charged upon all debentures
issued in respect of the cost of construction of such system
of sewers is not to exceed a rate of five per cent. per annum,
and it has been represented in the petition of the said Cor-
poration of the Town of Perth that the said restriction in the
rate of interest works a hardship in the sale of all debentures
issued in respect of the cost of construction of said system
of

of sewers owing to the advance in interest rates on money loans; and whereas it is desirable that the rate of interest should be increased; and whereas the said corporation has prayed that an Act may be passed for the above purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to borrow money for extension and completion of sewerage system.

1. It shall be lawful for the Municipal Council of the said Town to pass a By-law or from time to time to pass By-laws for the extension and completion of the said system of sewers with any additions thereto or variations or modifications thereof whenever the said Council by a vote of two-thirds of all the members present at any regular meeting thereof deem the same necessary or desirable, provided that the debentures to be issued for the Town's share of the cost of construction of such system of sewers including all debentures therefor heretofore issued shall not exceed the sum of \$145,000. It shall be provided by By-law or By-laws that the sum of fifty cents per foot frontage shall be charged to and levied on all real property fronting or abutting on the street or streets in which a sewer has been or may be constructed, and that the balance of the cost shall be borne and paid by the corporation at large, and that the payment of the cost of such sewer or sewers may be spread over a term of thirty years, and that debentures of the said Corporation may be issued to defray such cost bearing interest at a rate not exceeding six per cent. per annum, and that the portion of such debentures issued in respect of the portion of the cost chargeable to the abutting real property may be guaranteed by the corporation at large.

Special rate.

Construction of branch drains.

2. The Municipal Council may also, by the same or any other By-law or By-laws, authorize the construction of branch drains or connections from any sewer to the line of the street, and also on the lands and premises of abutting property owners, and as to such drains and connections as well as to those already constructed may assess and levy the cost thereof with interest at a rate not exceeding six per cent. by any annual special rate on the lands benefited spread over a period not exceeding thirty years, and may issue debentures for the amount of such cost secured on such special rate and guaranteed by the corporation at large.

Assent of electors not required.

3. It shall not be necessary to obtain the assent of the ratepayers of the Town of Perth entitled to vote upon By-laws to any By-law passed under the provisions of the two

preceding

preceding sections, or to observe any of the formalities in relation thereto prescribed by the provisions of *The Local Improvement Act*. Rev. Stat., c. 193.

4. Any provisions contained in *The Municipal Act* and any amendments thereto, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to any By-law or By-laws passed under the authority of this Act, and no irregularity in the form of the debentures issued thereunder shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the issue of such debentures, or any of them, or as to the application of the proceeds thereof. Application of Rev. Stat. c. 192.

5. The Council may make agreements with any bank, or with any person or body corporate, for temporary advances and loans for meeting the cost of any of the said works until the completion thereof, and may in their option make the special assessments for the cost thereof after the work or improvement has been completed, and may then pass the necessary By-law or By-laws authorizing the issue of debentures to repay the amount of the temporary advances and loans. Agreement for temporary advances.

CHAPTER 135.

An Act respecting the City of Peterborough.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the City of Peterborough has by petition represented that the Nashua Gummed & Coated Paper Company, a corporation incorporated under the laws of the State of Massachusetts, one of the United States of America, and having its head office at the City of Nashua, in the State of New Hampshire, proposes to establish an industry in Canada for the manufacture of gummed and waxed papers and paper products and has entered into an agreement with the Corporation of the City of Peterborough, dated the 22nd day of September, 1919, with respect to the establishment of such industry at the City of Peterborough, and the granting of aid therefor by the said Corporation of the City of Peterborough, all as set out in the said agreement; and whereas it appears by the said petition that there has been duly submitted to the electors of the said municipal corporation By-law No. 2200 providing for the granting of the said aid, which by-law did receive the assent of the duly qualified electors by a vote of 742 for and 109 against the by-law; and that the by-law was finally passed by the Council of the Corporation of the City of Peterborough on the 10th day of November, 1919; and whereas it further appears by the said petition that subsequent to the entering into of the said agreement and the passing of the said by-law it was considered advisable by the Nashua Gummed & Coated Paper Company and by the Corporation of the City of Peterborough that the industry so to be established should be carried on by a Canadian company and that a corporation has been incorporated for that purpose under the laws of the Dominion of Canada called "Canadian Nashua Paper Company, Limited," which corporation has received a license to carry on business in the Province of Ontario; and whereas by the said petition it is represented that it is desirable that Canadian Nashua Paper Company, Limited, should take the

place of the said Nashua Gummed & Coated Paper Company in establishing and carrying on the said industry, and become entitled to all the rights and benefits acquired by Nashua Gummed & Coated Paper Company under the said agreement and by-law in the same manner as if it had been originally named therein in place of Nashua Gummed & Coated Paper Company; and that the lease of property referred to in the said agreement and by-law should be made by the Corporation of the City of Peterborough to Canadian Nashua Paper Company, Limited, and that the Corporation of the City of Peterborough and Nashua Gummed & Coated Paper Company and Canadian Nashua Paper Company, Limited, have come to an agreement with respect to such matters; and whereas the Corporation of the City of Peterborough by its said petition prays that an Act may be passed validating, legalizing and confirming the said By-law No. 2200, and the debentures issued or to be issued thereunder, and authorizing and empowering the said Corporation of the City of Peterborough to do and perform the things provided by the said agreement to be done and performed by it, and authorizing and empowering the said Corporation of the City of Peterborough, without obtaining the assent of the ratepayers thereof, to enter into a proposed agreement with Nashua Gummed & Coated Paper Company and Canadian Nashua Paper Company, Limited, providing for the assignment by Nashua Gummed & Coated Paper Company to Canadian Nashua Paper Company, Limited, of the rights and benefits acquired by it under the said agreement dated the 22nd day of September, 1919, and authorizing and empowering the said Corporation of the City of Peterborough to make the said lease of property direct to Canadian Nashua Paper Company, Limited; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 2200 of the Corporation of the City of Peterborough finally passed by the council of the said corporation on the 10th day of November, 1919, and as set out in Schedule "A" hereto is hereby authorized and confirmed and declared to have the force of law and to be legal, valid and binding upon the said Corporation of the City of Peterborough and the ratepayers thereof and upon all parties affected thereby, notwithstanding any want of jurisdiction

By-law No.
2200,
granting
bonus to
Nashua
Paper Co.
confirmed.

or power on the part of the said corporation to pass the same, and notwithstanding any defect in substance or form thereof or in the manner of passing the same; and the said Corporation of the City of Peterborough is hereby authorized and empowered to do all acts necessary or convenient for the full and proper carrying out of the provisions of the said By-law No. 2200.

Agreement
with
company
confirmed.

2. The agreement dated the 22nd day of September, 1919, between the Corporation of the City of Peterborough and Nashua Gummed & Coated Paper Company, as set out in Schedule "B" hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and the said Corporation of the City of Peterborough is hereby authorized and empowered to do and perform the things provided by the said agreement to be done and performed by it.

Power to
make
further
agreement
with
company.

3. The Corporation of the City of Peterborough is hereby authorized and empowered without obtaining the assent of the ratepayers thereof, to enter into an agreement in the form set out in Schedule "C" hereto with Nashua Gummed & Coated Paper Company and Canadian Nashua Paper Company, Limited, and such agreement when duly executed and delivered by and on behalf of the parties thereto shall be legal, valid and binding upon the said parties, and Canadian Nashua Paper Company, Limited, shall be entitled to the rights, benefits and advantages and subject to the obligations and liabilities of Nashua Gummed & Coated Paper Company, under the said agreement dated the 22nd day of September, 1919, and the said By-law No. 2200 to the same extent and in the same manner as if Canadian Nashua Paper Company, Limited, had been originally named therein in place of Nashua Gummed & Coated Paper Company.

Lease of
certain
land to
company.

4. The Corporation of the City of Peterborough is hereby authorized and empowered without obtaining the assent of the ratepayers thereof to enter into an indenture of lease with Canadian Nashua Paper Company, Limited, in the form included as Schedule 1 to the form of agreement set out in Schedule "C" hereto, and such indenture of lease when duly executed and delivered by and on behalf of the parties thereto shall be legal, valid and binding upon the said parties.

Confirma-
tion of
debentures.

5. The debentures issued or to be issued under the said By-law No. 2200 are hereby confirmed and declared to be legal, valid and binding upon the Corporation of the City of Peterborough and the ratepayers thereof.

6. Notwithstanding anything contained in this Act or in the said By-law No. 2200 the Council of the Corporation of the City of Peterborough may in the manner and for the purposes set out in section 291 of *The Municipal Act* pass a by-law amending the said By-law No. 2200 and any such amending by-law so passed shall be valid and binding on the Corporation of the City of Peterborough and the ratepayers thereof.

7. This Act shall come into force and take effect on the day on which it receives the Royal Assent.

Power to
amend
by-law.

Date when
Act to
take effect.

SCHEDULE "A."

BY-LAW NUMBER 2200.

For granting a bonus to and aiding the Nashua Gummed and Coated Paper Company.

Whereas it is expedient in the interest of the municipality to grant the bonus hereinafter mentioned for the promotion of manufactures in the municipality;

And whereas the Nashua Gummed and Coated Paper Company is a duly incorporated company, at present engaged in the manufacture of gummed and coated paper in Nashua and other cities in the United States of America, and is desirous to commence manufacturing operations in the City of Peterborough, and has proposed to the Council of the City of Peterborough that it, the said company, will engage in manufacturing operations in the City of Peterborough, providing the city will agree to assist the said company by purchasing as a site for a factory of the said company, lots eight and nine south of Perry Street and west of George Street; lots eight and nine north of Lake Street and west of George Street; and a certain triangular parcel of land and being part of Block "1", as shewn on Registered Plan Number Seven for the said City of Peterborough, which said gore or triangular piece of land is bounded on the south by the northern limit of Lake Street, and on the east by the westerly limit of said lot number nine, north of Lake Street, and said lot number nine south of Perry Street, both west of George Street, in the City of Peterborough, and is bounded on the west by the eastern limit or right-of-way now occupied by the Grand Trunk Railway Company, for the price or sum of fifty thousand dollars (\$50,000.00), and putting the buildings on the said premises in a good state of repair, and fixing the assessment of the said company in respect to the said lands and buildings and machinery and plant therein, and the business assessment in respect thereto for a term of ten years (10), (providing the lease hereinafter mentioned is renewed) at ten thousand dollars (\$10,000.00), including business taxes, with the exception of school rates and local improvement rates and taxes, and in consideration thereof the said company has agreed as follows:

(a) To enter into an indenture of lease with the city of the above-described premises for a period of five years from the time the buildings on the above-described lands are put in repair, with the option to the company of renewing the said lease for a further period of five years, and with the further option to the company of purchasing the said lands and premises and buildings thereon at any time during the term of the said lease and renewal thereof for the price or sum of \$50,000.00, plus the amount spent by the city in or on repairs;

(b) To pay to the city as a yearly rental for the said lands and premises and buildings thereon a sum equal to seven (7) per centum per annum on the said amount of fifty thousand dollars (\$50,000.00), plus the cost of repairs;

(c) To pay all the taxes, including local improvement rates and taxes and water rates;

(d) To insure the buildings on the said lands in an amount equal to ninety (90) per centum of their insurable value (said value not to exceed the city's interest in said buildings), with the loss (if any) payable to the city. The company to pay the premiums;

(e) In case default should be made in provisions set out in clause "A" to repay to the city on demand the amount expended by the said city of submitting this by-law;

And

And whereas there is no branch of industry of a similar nature in the municipality, nor is the said company established elsewhere in the Province of Ontario;

And whereas the council has agreed to the proposals of the company, and in order to raise the money to pay the purchase price of the said lands and premises and the cost of repairs and the cost of the submission of this by-law, it will be necessary to issue the debentures of the corporation for the sum not exceeding fifty-seven thousand dollars (\$57,000.00) or such less sum as may be required for the purposes aforesaid, which sum of fifty-seven thousand dollars (\$57,000.00) is the amount of the debt intended to be created by this by-law;

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, is \$12,995,506.00;

And whereas the amount of the debenture debt of the corporation is \$2,381,797.30, no part of the principal or interest of which is in arrear;

And whereas there will require to be raised annually for a period of twenty years the currency of the debentures to be issued hereunder to pay the interest on the said debt, the sum of \$3,135.00 and the sum of \$1,914.16, to be raised annually during the said period for providing a sinking fund for the payment of the said debt at the maturity thereof, such last-mentioned sum being sufficient, with the estimated interest on the investment thereof to discharge the said debt when the same becomes due, making in all the sum of \$5,049.16 to be raised annually as aforesaid by special rate on the whole rateable property of the municipality.

Be it therefore enacted by the Municipal Council of the Corporation of the City of Peterborough:

1. For the purposes mentioned in the preamble, there shall be borrowed on the credit of the corporation the sum of fifty-seven thousand dollars (\$57,000.00) and debentures shall be issued therefor on the sinking fund plan in sums not less than one hundred dollars (\$100.00) each, which shall have coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed, and may bear any date within such two years, and shall be payable within twenty years from the date when they shall be issued, and shall bear interest at the rate of five and one-half (5½) per centum per annum, payable half-yearly on the 30th day of June and the 31st day of December in each year.

3. The debentures, as to both principal and interest, may be expressed in Canadian currency, or in sterling money of Great Britain, at the rate of one pound sterling for each four dollars and eighty-six and two-third cents, and may be payable at any place or places in Canada, Great Britain or the United States.

4. The debentures shall be signed and issued by the mayor and also be signed by the treasurer, and countersigned by the secretary of the Peterborough City Trust, and the debentures shall be sealed with the seal of the corporation. The interest coupons shall be signed by the treasurer.

5. During the currency of the debentures there shall be raised annually \$1,914.16 to form a sinking fund for the payment of the debt and \$3,135.00 for the payment of the interest thereon, making in all \$5,049.16 to be raised annually for the payment of the debt and interest.

6. The debentures may contain any provision for the registration of them authorized by law.

7. The proceeds of the said debentures when sold, or so much as may be required for the purpose, shall be used to pay the purchase price of said land and premises hereinbefore described, the cost of repairing the buildings, and the cost of the submission of this by-law.

8. The assessment of the said company in respect to the above-described lands and premises and the machinery therein and thereon for the purpose of taxation is hereby fixed at ten thousand dollars (\$10,000.00), including business taxes, but not including school rates and local improvement rates and taxes for a period of ten years (10), (providing the company renews the said lease as herein provided), from the time the buildings on the said lands are put in a good state of repair.

9. The amount or sum of money received by the city from the company by way of rental is to be used in paying the interest on the debentures, and any surplus thereafter to help make up the sinking fund for payment of the debt.

10. The entering into of the proposed lease with the company is hereby approved and ratified, and the mayor and clerk are hereby authorized to sign the same and to affix to it the Corporate Seal of the Municipality.

11. This by-law shall take effect on the day of the final passing thereof.

Passed this 10th day of November, 1919.

GEO. H. DUNCAN,
Mayor.

S. R. ARMSTRONG,
Clerk

Certified to be a true copy.

Seal.

S. R. ARMSTRONG,
Clerk.

SCHEDULE "B."

This Indenture, made in duplicate this 22nd day of September, 1919:

Between:

The Nashua Gummed & Coated Paper Company, of Nashua, New Hampshire, in the United States, hereinafter called the company of the first part,

and

The Corporation of the City of Peterborough, hereinafter called the city of the second part.

Whereas the company intends to engage in the manufacture of gummed and coated paper, and has proposed to the city that, providing the city purchase the land and premises (with the buildings thereon) hereinafter described for the price or sum of fifty thousand dollars (\$50,000.00) and cause the hereinafter described repairs to be done, then the company will carry out the terms of this agreement as hereinafter stated;

And whereas the city has agreed to the proposal submitted by the company, and has agreed to submit the necessary by-law to a vote of the electors of the said city to ascertain whether they desire to carry out the proposals as hereinafter stated, and provided the electors give the necessary authority, then the city will carry out the provisions as set forth in this indenture of agreement;

Now therefore this indenture witnesseth that in consideration of the premises, and the covenants and agreements hereinafter, it is agreed as follows:

1. The city covenants with the company, upon the execution and delivery of this indenture, to submit a by-law to the electors of the City of Peterborough for the due carrying out with the company the terms of the agreement, and it, the city, will do all acts and cause all things to be done to assist in carrying the by-law above mentioned, but in the event of the failure of the electors to pass the said by-law, nothing in this agreement shall be considered or held as binding upon either party.

2. The city agrees to purchase the following lands and premises with the buildings thereon, including the sprinkler system, power wiring, oil tank, steam boiler, heating apparatus, plumbing and all fixtures, with the exception of the manufacturing plant and machinery, which said lands are more particularly described as follows:

Lots eight and nine south of Perry Street and west of George Street, lots eight and nine north of Lake Street and west of George Street, and a certain triangular parcel of land shown on registered plan number seven for the said City of Peterborough, which said gore or triangular piece of land is bounded on the south by the northern limit of Lake Street and is bounded on the east by the westerly limit of said lot number nine, north of Lake Street, and the said lot number nine south of Perry Street, both west of George Street, in the City of Peterborough, and is bounded on the west by the eastern limit or right-of-way now occupied by the Grand Trunk Railway Company, at or for the price of fifty thousand dollars (\$50,000.00).

3. The city agrees to put the building on the above-described lands in good repair, the following repairs and alterations being specifically stated:

(a) Fences A and B to be put in first class order.

(b)

(b) Platforms 1A, 1B, D and 8F to be replanked and to have new supports where necessary.

(c) Platforms 2A, 3A and 5A to be put in good condition.

(d) The steam boiler, the boiler plant auxiliaries, the heater and boiler to be put in first class operating condition, as required by the company.

(e) The roofs to be made water tight.

(f) The gutters and down spouts to be repaired or replaced where necessary.

(g) The floors to be put in good condition.

(h) The interior woodwork of buildings numbered 7 and 8 is to be painted white or whitewashed. The posts to be painted white or whitewashed to within seven feet of the floor, and painted black below that height. The exterior woodwork is to be painted and the windows reputtied and reglazed, where necessary.

The city agrees that the company may have the right to approve of the materials and methods used in the repair of the buildings.

4. The city agrees to fix the assessment of the company in respect to the said lands and buildings and machinery therein and thereon for the purpose of taxation at \$10,000.00, including business taxes, with the exception of school rates and local improvement rates and taxes, and such assessment shall extend for the period of the lease hereinafter mentioned, and for the period of the renewal of said lease, providing the company renews the same.

5. The company agrees with the city to enter into an indenture of lease for the period of five years from the time and so soon as the repairs are completed, with the option to the company of renewing the said lease for a period of five years, and with the further option to the company of purchasing the said lands and premises and buildings thereon for the sum of fifty thousand dollars (\$50,000.00), plus the cost of repairs made by the city.

6. The company agrees with the city to pay as a yearly rental for the said premises a sum equal to seven per centum per annum on the said sum of fifty thousand dollars (\$50,000.00), plus the cost of repairs.

7. The company is to pay all taxes, including local improvement rates and taxes and water rates.

8. The company is to keep the plant insured in an amount equal to ninety (90) per centum of the insurable value of the buildings on said lands, said value in any event not to exceed the city's interest in said buildings, such insurance, in the event of loss, to be payable to the city. The company to pay the premium.

9. In consideration of the city submitting the by-law herein mentioned, and providing the same is carried, then if the company does not enter into the lease as herein agreed, the company hereby agrees and covenants to pay all expenses and costs incurred or spent by the city in submitting said by-law.

In witness whereof, the parties hereto have caused their corporate seal to be affixed and the hands of their proper officers in that behalf.

NASHUA GUMMED AND COATED PAPER CO.,

(SEAL.)

(CORPORATE SEAL.)

W. L. CARTER, *Treasurer.*

GEO. H. DUNCAN, *Mayor.*

S. R. ARMSTRONG, *Clerk.*

Certified to be a true copy.

S. R. ARMSTRONG, *Clerk.*

SCHEDULE "C."

This indenture, made in triplicate, this — day of —, 1920,

Between:

Nashua Gummed and Coated Paper Company, a corporation incorporated under the laws of the State of Massachusetts, one of the United States of America, and having its Head Office in the City of Nashua, in the State of New Hampshire, hereinafter called the "Assignor" of the first part,

and

Canadian Nashua Paper Company, Limited, a corporation incorporated under the laws of the Dominion of Canada, and having its Head Office at the City of Peterborough, hereinafter called the "Assignee" of the second part,

and

The Corporation of the City of Peterborough, hereinafter called the "City" of the third part.

Whereas the assignor proposed to establish at the City of Peterborough an industry for the manufacture of gummed and waxed paper and paper products;

And whereas an agreement, dated the 22nd day of September, 1919, and relating to the establishment of the said industry, was made between the assignor and the city, which agreement, among other things, provided for the submission to the electors of the City of Peterborough of a by-law for the purposes set out in the said agreement;

And whereas, pursuant to the said agreement, by-law No. 2200 of the city was submitted to the electors on the 24th day of October, 1919, and was assented to by a vote of 742 for and 109 against the by-law, and the by-law was finally passed by the council of the city on the 10th day of November, 1919;

And whereas it has been considered desirable that the said industry should be carried on by a Canadian corporation and that such Canadian corporation should take the place of the assignor and become entitled to the rights, benefits and advantages and subject to the obligations and liabilities of the assignor under the said agreement, dated the 22nd day of September, 1919, and under the said by-law No. 2200.

And whereas the assignee is a Canadian corporation, which has been incorporated and organized for the purpose of carrying on the said industry;

Now, therefore, this indenture witnesseth: That in consideration of the premises and other divers good and valuable considerations, the parties agree each with the other and others as follows:

1. The assignor, with the consent and concurrence of the city, doth hereby sell, assign, transfer and set over unto the assignee the said recited agreement, dated the 22nd day of September, 1919, and made between the assignor of the first part and the city of the second part, and all estate, right, title, interest, benefit, advantage, property, claim and demand whatsoever of the assignor in, to or out of, the same, and in, to or out of, the property, benefits, and rights comprised therein and thereunder, and to be derived therefrom, and the assignor, with the consent and concurrence of the city, doth also hereby sell, assign, transfer and set over unto the assignee all right, title, benefit, advantage and interest which it now has or to which it hereafter may become entitled under or by reason of by-law No. 2200 of the City of Peterborough; and the assignee hereby assumes and agrees with the assignor and with the city to carry out the duties and obligations imposed on the assignor under the said agreement and by-law, it being in-

tended

tended by the parties hereto that the assignee shall take the place of the assignor with respect to the said agreement and by-law as fully and effectually as if it had been originally named therein, instead of the assignor.

2. The city covenants and agrees with the assignee and with the assignor that forthwith after the execution and delivery of this agreement it will, as lessor, enter into an indenture of lease, in the form set out in schedule I hereto, with the assignee as lessee.

3. The city hereby assents to the assignments from the assignor to the assignee hereinbefore contained and accepts the assignee in the place of the assignor for all purposes of the said agreement dated the 22nd day of September, 1919, and the said by-law No. 2200.

In witness whereof the parties hereto have caused their corporate seals to be hereunto affixed, witnessed by the hands of their proper officers in that behalf.

Signed, sealed and delivered

in the presence of:

NASHUA GUMMED AND COATED
PAPER COMPANY,

of the first part,

CANADIAN NASHUA PAPER
COMPANY, LIMITED,

of the second part,

(Seal)

and

THE CORPORATION OF THE CITY
OF PETERBOROUGH

of the third part.

Certified to be a true copy.

S. R. ARMSTRONG,

Clerk.

SCHEDULE 1 TO SCHEDULE "C."

This indenture, made the —— day of 1920, in pursuance of the Short Forms of Leases Act,

Between:

The Corporation of the City of Peterborough, hereinafter called the Lessor, of the first part,

and

Canadian Nashua Paper Company, Limited, hereinafter called the Lessee, of the second part.

Whereas by agreement dated the 22nd day of September, 1919, made and entered into between the Nashua Gummed and Coated Paper Company, and the lessor, the said Nashua Gummed and Coated Paper Company agreed to rent and lease the lands and premises hereinafter described from the lessor at and for the rental, and for the term of years, and with the right of renewal and option hereinafter mentioned;

And whereas by by-law Number 2200 of the lessor, finally passed on the 10th day of November, 1919, after having been assented to on the 24th day of October, 1919, by the electors qualified to vote thereon, the lessor was authorized to enter into a lease with the Nashua Gummed and Coated Paper Company;

And whereas the Nashua Gummed and Coated Paper Company has, with the assent of the lessor, assigned to the lessee all its right and title in and to the said lease;

Now, therefore, this indenture witnesseth: That in consideration of the premises and the rents, covenants and agreements hereinafter reserved and contained on the part of the lessee to be paid and performed, the lessor doth demise and lease unto the lessee, its successors and assigns, all those lands and premises and the buildings thereon, which said lands and premises are more particularly described as follows:

Lots eight and nine, south of Perry Street and west of George Street, lots eight and nine, north of Lake Street and west of George Street, and a certain triangular parcel of land shown on registered plan number seven for the said City of Peterborough, which said gore or triangular piece of land is bounded on the south by the northern limit of Lake Street, and is bounded on the east by the westerly limit of said lot number nine, north of Lake Street, and said lot number nine south of Perry Street, both west of George Street, in the City of Peterborough, and is bounded on the west by the eastern limit or right-of-way now occupied by the Grand Trunk Railway Company; to have and to hold the said demised premises for and during the term of five years, to be computed from the first day of January, one thousand nine hundred and twenty, and from thenceforth next ensuing and fully to be completed and ended, yielding and paying therefor yearly and every year during the said term unto the said lessor, its successors and assigns, the sum of \$3,957.18, in even monthly portions of \$329.76, to be payable on the following days and times, that is to say: on the first of each and every month during the whole of said term, the first of such payments to become due and be made on the day of the execution and delivery hereof.

The said lessee covenants with the said lessor to pay rent and to repair reasonable wear and tear and damage by fire, lightning and tempest only excepted, and to keep up fences. And that the said lessor may enter and view state of repair, and that the said lessee will repair according to notice in writing, signed by the clerk or assistant clerk of the lessor, reasonable wear and tear and damage by fire, lightning and tempest only excepted, and will not assign or sublet without leave, and that it will leave the premises in good repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted.

The said lessee covenants with the said lessor to pay water rates, gas, electric light, and electric or other power rates and taxes (other than school taxes and local improvement rates, which shall not be limited hereby,) based on a fixed assessment of (\$10,000.00) ten thousand dollars on the said lands and the buildings thereon and the machinery therein, and for business taxes.

The said lessee covenants with the said lessor that the said lessee will insure and keep insured against fire during the whole of the said term, with loss, if any, payable to the lessor, the buildings for the time being on the said premises, in an insurance company or companies approved by the lessor, in the sum of at least \$50,878.02, and will, if requested so to do, produce the receipts for the premiums of such insurance for the then current year to the lessor, its officer or servant.

The said lessee covenants with the said lessor that the said lessee will not during the said term make or suffer any alterations or additions to or erect any new buildings upon the said premises, the estimated cost of which exceeds the sum of \$1,000.00, without having first submitted a plan or specification thereof to the lessor and obtained its approval thereof in writing signed by the clerk or assistant clerk of the lessor, such approval not to be unreasonably or arbitrarily withheld.

And the said lessor covenants with the lessee that the said lands and premises and appurtenances thereto are now in good and substantial repair and that the lessor will repair any damage arising from the lack of such repair at this present time upon reasonable notice to it, its officer or servant, by the lessee.

The lessee shall abide by and comply with all lawful rules, regulations and by-laws of every municipal or other authority which in any manner affect the said premises.

And the lessor covenants with the lessee that if the lessee duly and regularly pays the said rent and substantially performs all and every the covenants, provisoes, and agreements herein contained, and on the part of the lessee to be paid and performed, the lessor will, upon the request and at the cost of the lessee, grant to the lessee a renewal lease of said lands and premises for a further term of five years at the same rental and under the same terms and conditions, this clause being expressly excepted, as are contained in this indenture of lease.

And it is hereby agreed that at any time during the term of this lease, or any renewal thereof, the lessor may purchase the said lands and premises and the buildings thereon at or for the sum of \$56,531.14, said sum being the price paid by the lessor for the purchase thereof, viz.—\$50,000.00, plus the cost of repairs made by the lessor. Provided that the lessee may remove his fixtures, including all plant, machinery, appliances and apparatus belonging to the lessee brought on the said lands and premises. Provided that in the event of fire, lightning or tempest, rent shall cease until the premises are rebuilt.

Proviso for re-entry by the said lessor on non-payment of rent or non-performance of covenants.

The said lessor covenants with the said lessee for quiet enjoyment.

In witness whereof the parties hereto have hereunto affixed their corporate seals and the hands of their proper officers in that behalf.

Signed, sealed and delivered
in the presence of:

THE CORPORATION OF THE CITY
OF PETERBOROUGH,

of the first part,

(Seal)

CANADIAN NASHUA PAPER COM-
PANY, LIMITED,

of the second part.

Certified to be a true copy.

S. R. ARMSTRONG, *Clerk*.

CHAPTER 136.

An Act respecting the City of St. Catharines.

Assented to June 4th, 1920.

Preamble.

WHEREAS under the provisions of sections 16 and 17 of *The City of St. Catharines Debt Consolidation Act, 1893*, the said city is, subject to certain exceptions, limited in its borrowing powers to an amount not exceeding twelve and one-half per centum of the total assessable property in the said city; and whereas the corporation of the said city has, by its petition, represented that at the time such limitation was imposed the existing debenture debt of the said corporation amounted to \$790,543.30, and that by reason of the existing financial condition and the absence of any adequate provision to meet maturing obligations it was then necessary to consolidate the debt of the said corporation at the said sum of \$790,543.30, and issue new debentures therefor, and the limitation so imposed upon the borrowing powers of the said corporation was at such time reasonable and in conformity with the wishes of the said corporation; and whereas the total assessable property of the said corporation at such time was only \$4,251,845.00; and whereas the said corporation has, by its said petition, also represented that since 1893 adequate provision has been made to retire all its maturing obligations as they have and will respectively become due, and the present finances of the said corporation are in a sound condition, and its existing sinking fund for all purposes is \$1,099,199.40; and whereas the total assessable property of the said corporation has increased to the present amount of \$16,032,405.00 and the existing debenture debt is \$1,758,004.66, exclusive of those portions of its debt which under the provisions of the before recited Act and of other statutes in that behalf are not to be calculated in ascertaining if the limit of its borrowing powers has been reached; and whereas the said corporation has, by its said petition, further represented that although the said margin of borrowing powers has not yet been reached, it is necessary and desirable in the interests of the said corporation to remove the said limitation; and

whereas

whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 16 and 17 of *The City of St. Catharines Debt Consolidation Act, 1893*, are hereby repealed. 56 V. c. 79.
ss. 16, 17,
repealed.

2. This Act may be cited as *The City of St. Catharines Short title Act, 1920*.

CHAPTER 137.

An Act respecting the City of Sault Ste. Marie.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Municipal Council of the Corporation of the City of Sault Ste. Marie, hereinafter called the corporation, has by petition represented that it is desirable that certain by-laws specified in schedule "A" hereto and the debentures issued or to be issued thereunder, and the assessments made or to be made, and the rates levied or to be levied for the payment of the said debentures, be validated and confirmed and that all sales of lands within the City of Sault Ste. Marie made subsequent to the 31st day of December, 1917, and prior to the 1st day of January, 1919, which purport to have been made by the said corporation for arrears of taxes in respect to lands so sold for which tax deeds have been issued by the said corporation, be validated and confirmed, and to authorize the municipal council of the said corporation notwithstanding the provisions of *The Statute Labour Act* as amended to pass a by-law fixing the poll tax at an amount not to exceed \$10.00; and whereas it is expedient to grant the prayer of such petition;

Rev. Stat.,
c. 196.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws
specified
in schedule
"A" con-
firmed.

1. The by-laws as specified in schedule "A" hereto and the debentures issued or to be issued thereunder, and all assessments made or to be made and all rates levied or to be levied for the payment of the said debentures are confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Tax sales
and deeds
confirmed.

2.—(1) All sales of lands within the City of Sault Ste. Marie made subsequent to the 31st day of December, 1917, and prior to the 1st day of January, 1919, which purport to have been made by the corporation of the said city for

arrears

arrears of taxes in respect to lands so sold for which tax deeds have been issued by the said corporation are hereby validated and confirmed and all deeds of lands so sold executed by the mayor and treasurer of the said corporation purporting to convey the said lands so sold to the purchaser thereof, or his, her, or their assigns are hereby validated and confirmed, and shall have the power of vesting the lands so sold or conveyed or purporting to be sold or conveyed, and the same are hereby vested in the purchaser, or his, her, or their assigns in fee simple, free and clear of and from all title or interest whatsoever of the owner or owners thereof at the time of such sale or his, her, or their assigns, and all charges or encumbrances thereon, except taxes accrued since those for which payment whereof the said lands were sold.

(2) Subsection 1 of this section shall extend and apply to cases where the said city or any person or persons in trust for it, or in its behalf became the purchaser of lands at any such tax sale. Case of Corporation as purchaser.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed. Pending litigation not affected.

3. The municipal council of the said corporation shall have power to pass a by-law fixing the tax payable under the provisions of section 4 of *The Statute Labour Act* as amended at an amount not to exceed \$10.00 instead of \$5.00 as provided by that section. Power to fix poll tax. Rev. Stat. c. 196.

4. This Act shall come into force and take effect on the day upon which it receives the Royal Assent. Date when Act to take effect.

5. This Act may be cited as *The City of Sault Ste. Marie Act, 1920.* Short title.

SCHEDULE "A."

(a) By-law No. 1026 being a by-law to provide for the issue of debentures to raise the sum of \$130,000.00 for the erection of a public school on Moffly Hill in the City of Sault Ste. Marie and to complete a wing to the Central public school in the said city;

(b) By-law No. 1038 being a by-law to authorize the issue of debentures to raise the sum of \$7,575.00 for the purchase of lands to enlarge the sites of the Alexander Muir and Edith Cavell schools in the City of Sault Ste. Marie;

(c) By-law No. 1054 being a by-law to provide for the issue of debentures to raise the sum of \$6,500.00 to pay for the cost of the purchase and installation of a fire alarm system in the City of Sault Ste. Marie;

(d) By-law No. 1059 being a by-law to provide for the issue of debentures to raise the sum of \$49,600.00 to provide for the cost of construction of a storm sewer from the Algoma Central & Hudson Bay Railway Company's slip in St. Mary's River to the north bend of MacDonald Street;

(e) By-law No. 1060 being a by-law to raise the sum of \$20,000.00 to be expended in the purchase of certain lands in the City of Sault Ste. Marie known as lot number eight (8) in concession one, and the southerly seventeen and one-half ($17\frac{1}{2}$) acres of block thirteen, Stewart survey for the purpose of public parks;

(f) By-law No. 1068 being a by-law to authorize the issue of debentures to raise the sum of \$134,500.00 to pay for the cost of additions to the Harris & Buckley public school; McFadden public school and for the completion of the east wing of the Central public school;

(g) By-law No. 1069 being a by-law to authorize the issue of debentures to raise the sum of \$190,000.00 to pay for the cost of the erection of an addition to the high school and the equipment thereof;

(h) By-law No. 1067 being a by-law to authorize the issue of debentures to raise the sum of \$100,000.00 to pay for the cost of the purchase of a site and the erection and equipment of a technical school;

(i) By-law No. 1066 being a by-law to authorize the issue of debentures to raise the sum of \$54,000.00 to pay for the cost of the sewers constructed as local improvements during the year 1919;

(j) By-law No. 1064 being a by-law to authorize the issue of debentures to raise the sum of \$3,500.00 to pay for the cost of private sewer connections constructed as local improvements during the year 1919;

(k) By-law No. 1065 being a by-law to authorize the issue of debentures to raise the sum of \$17,500.00 to pay for the cost of construction of certain sidewalks constructed as local improvements during the year 1919;

(l) By-law No. 1063 being a by-law to authorize the issue of debentures to raise the sum of \$250,000.00 to pay for the cost of construction of certain pavements constructed as local improvements during the year 1919;

(m) By-law No. 1070 being a by-law to authorize the issue of debentures to raise the sum of \$10,000.00 for the purposes of a grant for a club house for the Great War Veterans Association.

CHAPTER 138.

An Act respecting the Town of Sandwich.

Assented to June 4th, 1920.

WHEREAS the owners of a certain strip of land of a Preamble.
width of three hundred (300) feet more or less adjoining the easterly limit of the Town of Sandwich have, by their petition, represented that this land constitutes a part of a long tongue of a width of about six hundred (600) feet between the limits of the City of Windsor and the Town of Sandwich and distant from the main part of the Township of Sandwich West and that the said land requires sewers, pavements and water owing to the growth of the population of the neighbouring municipalities; and that the Town of Sandwich is willing to provide the same and it is desirable that The Ontario Railway and Municipal Board should have power to annex the said land to the Town of Sandwich; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Ontario Railway and Municipal Board may, notwithstanding the provisions of section 14 of *The Municipal Act*, annex to the Town of Sandwich the strip of land of a width of three hundred (300) feet more or less as described in schedule "A" hereto, and the other provisions of that Act regarding the annexation of land to a town by the said Board shall apply except that it shall not be necessary to obtain a petition from the owners as required by section 21. Annexation of certain lands to town.

SCHEDULE "A."

All and singular that certain tract of land and premises lying and being in the Township of Sandwich West, in the County of Essex, in the Province of Ontario, being composed of a strip of land three hundred (300) feet in width adjoining the easterly limit of the Town of Sandwich, and being part of farm lot 68, in the First Concession described as follows:—

Commencing at the intersection of the limit between farm lots 67 and 68, and the northerly limit of the Tecumseh Road; thence easterly along said northerly limit two hundred and eighty (280) feet nine (9) inches to a post planted; thence northerly along the easterly limit of the lands of the Windsor Security Company, Limited, to a point eleven (11) feet six (6) inches west of the south-west angle of the alley shown on the rear of plan 369; thence northerly along the westerly limit of the alley shown on plan 369, and the extension thereof in a straight line to a certain iron bar planted in the southerly limit of London Street; thence northerly in the same straight line to the water's edge of the Detroit River; thence westerly along the water's edge of the Detroit River to the limit between farm lot 67 and 68; thence southerly along the limit between farm lot 67 and 68 to the place of beginning.

CHAPTER 139.

An Act respecting the Township of Sandwich South.

Assented to June 4th, 1920.

WHEREAS the Municipal Corporation of the Town-^{Preamble.}ship of Sandwich South has, by petition, represented that conditions have so changed since the passing of an Act respecting the Town of Walkerville and the Townships of Sandwich East and Sandwich South referring to the pavement of a certain highway in the said municipalities, being chapter 113, 9 George V., that the carrying out of the matters provided for in the said Act and in the agreement specified in schedule "A" thereto, would create a very great hardship and result in a very great burden upon the owners of the lands abutting upon the proposed pavement, and have also represented that the powers given under paragraph three of the said agreement as proposed to be exercised by the commission, would result in a serious severance of the lands of the owners and in consequence the said Township of Sandwich South has prayed that an Act may be passed amending the said Act to overcome such difficulties and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in the Act^{Provision} passed in the 9th year of the reign of His Majesty King George the Fifth, chaptered 113, and intituled *An Act for compensation for land taken, etc.* respecting the Town of Walkerville and the Township of Sandwich East and Sandwich South, or in the agreement set out as schedule "A" thereto, the owners of any land taken for or injuriously affected by any deviations from existing highways shall be entitled to compensation therefor and such compensation, if not agreed upon, shall be determined by arbitration under the provisions of *The Municipal Act*.

Excess of
cost—
how borne.

Proviso.

Issue of
debentures.

2. Notwithstanding anything contained in the said Act or in the agreement set out as schedule "A" thereto, any excess in cost of the construction of such pavement over the estimated cost as set forth in the said agreement shall be borne and paid by the municipal corporations which are parties to the said agreement in the proportion in which each municipal corporation agreed to contribute to the estimated cost; provided that in the event of the Government of the Province declining to contribute towards the excess cost of the construction in the same proportion as provided in said Act, the said road shall not be proceeded with until the question of paying its share thereof has been submitted to and approved by the electors of the Town of Walkerville and in the event of such approval the Town of Walkerville shall be liable for its share accordingly.

3. Each of the said municipal corporations may, without the assent of the electors qualified to vote on money by-laws, borrow by the issue of debentures payable within a term not exceeding 15 years from the issue thereof, the amount required to meet its share of such excess cost.

CHAPTER 140.

An Act respecting the Township of Sandwich West.

Assented to June 4th, 1920.

WHEREAS the Municipal Council of the Corporation of the Township of Sandwich West has, by petition, represented that it is desirable that a certain by-law specified in schedule "A" hereto and the debentures issued and to be issued thereunder, and the assessments made or to be made, and the rates levied or to be levied for the payment of the said debentures, should be validated and confirmed; and whereas the said corporation has prayed that an Act may be passed for the purpose; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Local Improvement Act*, By-law No. 560, passed by the Township of Sandwich West on the 30th day of August, 1919, and specified in schedule "A" hereto, is confirmed and declared to be legal, valid and binding upon the said corporation, and the ratepayers thereof; the rates imposed by and to be levied under said by-law for the payment of the debt authorized by said by-law, and the interest thereon are also confirmed and declared to be valid and binding upon the Corporation of the Township of Sandwich West and the persons charged with the debt in the said by-law. By-law
No. 560
confirmed.
Rev. Stat.
c. 193.

2. All debentures issued or to be issued, or purporting to be issued under said by-law are confirmed and declared to be valid and binding upon the Corporation of the Township of Sandwich West, and it shall not be necessary for the purchasers of such debentures to inquire into the validity of the proceedings relating to the issue thereof, or the validity of any other matter in connection therewith, or to see to the application of the purchase money thereunder. Debentures
confirmed.

SCHEDULE

SCHEDULE "A."

BY-LAW No. 560.

A by-law to provide for borrowing \$11,632.70 upon debentures to pay for the construction of an ornamental street lighting system on both sides of Bridge Avenue southerly to the Essex Terminal Railway and on London Street across the Sandwich West property.

Whereas pursuant to Construction By-law 535½, passed on the 25th day of August, 1917, ornamental street lighting has been constructed on both sides of Bridge Avenue from Sandwich Street to the Essex Terminal Railway and on London Street in Sandwich West as a local improvement under the provisions of *The Local Improvement Act*;

And whereas the total cost of the work is \$11,632.70, of which \$1,731.08 is the corporation's portion of the cost, and \$9,901.62 is the owners' portion of the cost, for which a special assessment roll has been made and certified;

And whereas the estimated lifetime of the work is twenty years;

And whereas it is necessary to borrow the said sum of \$11,632.70 on the credit of the corporation and to issue debentures therefor bearing interest at the rate of 6 per cent. per annum, which is the amount of the debt intended to be created by this by-law;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively, that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

And whereas it will be necessary to raise annually the sum of \$1,014.19 during the period of twenty years to pay the said yearly sums of principal and interest as they become due, of which \$150.72 is required to pay the corporation's portion of the cost and the interest thereon, and \$863.47 is required to pay the owners' portion of the cost and the interest thereon;

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, is \$2,682,885.00;

And whereas the amount of the existing debenture debt of the corporation (exclusive of local improvement debts secured by special rate of assessment) is \$20,550.00, and no part of the principal or interest is in arrears;

Therefore the municipal council of the Corporation of the Township of Sandwich West enacts as follows:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the corporation at large the sum of \$11,632.70, and debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of 6 per cent. per annum and having coupons attached thereto for the payment of interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the

time

time when the same are issued and the respective amounts of principal and interest in each of such years shall be as follows:—

\$697.96.....	\$316.23.....	\$1,014.19
678.99.....	335.20.....	1,014.19 etc.

3. The debentures as to both principal and interest may be expressed in Canadian currency or sterling money of Great Britain at the rate of one pound sterling for each \$4.66 2-3, or in gold of the United States of America of the present weight and fineness, and may be paid at any place or places in Canada, Great Britain, or United States of America.

4. The reeve of the corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the treasurer of the corporation and the debentures shall be sealed with the seal of the corporation. During twenty years the currency of the debentures the sum of \$1,014.19 shall be raised annually for the payment of the debt and interest as follows:—

5. The sum of \$150.72 shall be raised annually for the payment of the corporation's share of the cost and the interest thereon, and shall be raised and levied annually for the payment of the corporation's portion by a special rate sufficient therefor over and above all other rates on all the rateable property in the municipality at the same time as other rates are levied and collected.

6. And for the payment of the owners' portion of the cost and the interest thereon the special assessment set forth in the special assessment roll is hereby imposed upon the lands liable therefor as therein set forth, which said special assessment, with a sum sufficient to cover interest thereon at the rate aforesaid shall be payable in twenty equal annual instalments of \$863.47, and for that purpose an equal annual special rate of .100754 cents per foot frontage is hereby imposed upon each lot entered in the said special assessment roll, according to the assessed frontage thereof over and above all other rates of taxes, which said special rate shall be collected annually by the collector of taxes for the corporation at the same time and in the same manner as other rates.

7. This by-law shall take effect on the day of the final passing thereof.

(Signed) C. C. CHAUVIN,
Reeve.

(Signed) E. BONDY,
Clerk.

Passed August 30, 1919.

CHAPTER 141.

An Act respecting the Township of Scarborough

Assented to June 4th, 1920.

Preamble.

WHEREAS the Municipal Council of the Township of Scarborough has by petition represented that the Gendron Manufacturing Company, Limited, a joint stock company organized under the laws of the Province of Ontario, engaged in the manufacture of baby carriages and other vehicles, and bathroom fixtures and other articles of a like nature, has acquired lands in the south-western portion of the Township of Scarborough, and proposes to erect factories thereon, employing at least two hundred hands, providing the municipality will grant fixed assessments of the company's lands and buildings during ten years, and will permit the company to occupy a small portion of the street known as Pharmacy Avenue adjoining the creek which crosses said street near the company's lands, for the purposes of a pumping station, and the corporation has agreed to grant such fixed assessments and pumping station privilege, subject to the observance and performance by the company of the terms and conditions contained in an agreement between the said municipal corporation and the said company, and subject to the consent of the Legislative Assembly of the Province of Ontario being given thereto; and whereas the said municipal corporation passed its by-law No. 1012 authorizing its reeve and clerk to execute said agreement on its behalf subject as aforesaid; and whereas the said corporation by its petition has prayed that an Act may be passed to validate said by-law and agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law
No. 1012
and agree-
ment with
Gendron
Mfg. Co.
confirmed.

1. Said by-law No. 1012 of the Township of Scarborough set out in schedule "A" hereto, is hereby validated and confirmed and declared to be legal and binding upon the said

municipal

municipal corporation and the ratepayers thereof, and the said agreement set out in schedule "B" hereto, is hereby validated and confirmed and declared to be within the powers of the parties thereto, and the said municipal corporation is hereby authorized to grant fixed assessments of the company's properties during ten years, subject to the terms of said agreement, and to carry out all the provisions of the said agreement according to the terms thereof.

2. The said municipal corporation is hereby authorized ^{Power to close part of Pharmacy Avenue.} to close a portion of the street known as Pharmacy Avenue during the existence of said agreement, such portion so permitted to be closed being situate on the westerly portion of Pharmacy Avenue adjoining the creek which crosses said street, and having a length along said street of not more than fifteen feet, and a width across said street not greater than ten feet.

SCHEDULE "A."

BY-LAW No. 1012 OF THE TOWNSHIP OF SCARBOROUGH.

Being a by-law to provide for fixed assessment of the Gendron Manufacturing Company, Limited.

Whereas the Gendron Manufacturing Company, Ltd., represents that it has acquired lands in the Township of Scarborough, being a portion of lot thirty-five in concession "B" of the said township, containing by admeasurement about ten and twenty-four one-hundredths (10 $\frac{24}{100}$) acres, and proposes to erect a factory and employ therein continuously for two hundred and fifty days in the year at least two hundred employees;

And whereas said company has made application for a fixed assessment during ten years, commencing with the completion of its buildings on or before the first day of May, one thousand nine hundred and twenty-one;

And whereas it is expedient to grant the request of the said company;

Now therefore be it and it is hereby enacted:

(1) That the agreement set forth in schedule "A" hereto annexed be entered into by the corporation with the company, subject to the consent being obtained of the Legislative Assembly of the Province of Ontario thereto, and that the reeve and clerk be authorized to sign such agreement pending the consent of the Legislative Assembly.

(2) The reeve and clerk are hereby authorized and required to make application to the Legislative Assembly of the Province of Ontario, at its next session, for a special Act to validate said agreement, and upon such Act being obtained such agreement, in the form, words, and figures as it now is, or as it may be modified by the Legislative Assembly and the parties thereto pursuant to any such special Act, shall become and remain in full force and effect according to its terms.

Read

Read a first, second and third time and passed in open council this nineteenth day of December, A.D. 1919.

J. G. CORNELL,
Reeve.

W. D. ANNIS,
Clerk.

(Seal.) Township of Scarborough.

SCHEDULE "B."

SCHEDULE "A" REFERRED TO IN BY-LAW 1012.

Agreement made in duplicate this 19th day of December, one thousand nine hundred and nineteen:

Between:

The Municipal Corporation of the Township of Scarborough, hereinafter called the "Municipality" of the first part,

and

The Gendron Manufacturing Company, Limited, hereinafter called the "Company" of the second part;

Whereas the company has acquired a site in the Township of Scarborough upon which it proposes to erect factory buildings and carry on the manufacture of baby carriages and other vehicles, and other articles which the company are at present authorized to or may hereafter manufacture, and has requested the municipality to enter into an agreement with them in respect to the assessment of the said lands and buildings and the other matters herein set forth and the municipality has agreed to enter into such agreement upon the conditions and for the considerations herein contained.

Now therefore this agreement witnesseth in consideration of the premises and the mutual covenants and agreements herein contained, the said parties hereto agree as follows:—

(1) The company agrees to locate, erect and maintain its factory and works in the Township of Scarborough on the lands known as part of lot thirty-five (35) in concession B of said township, containing by admeasurement ten and twenty-four one-hundredths acres (10 24/100 acres) and which said parcel may be more particularly described as follows: Commencing at a point on the easterly limit of said lot thirty-five where it is intersected by the northerly limit of the right of way of the Canadian Northern Railway; thence south sixty-two degrees thirty-three minutes west, along said right of way, seven hundred and fourteen feet (714') to an iron pipe; thence north sixteen degrees west, parallel to the easterly limit of said lot, eight hundred and five feet six inches (805' 6") to an iron pipe at fence; thence south eighty-nine degrees sixteen minutes east, along said fence, one hundred and forty-eight feet six inches (148' 6") to an angle in said fence; thence north eighty-two degrees thirty-two minutes east, along said fence, twenty-eight feet (28') to an angle in said fence; thence north seventy-eight degrees twenty-four minutes east, along said fence, one hundred and sixty-eight feet ten inches (168' 10") to an angle in said fence; thence south seventy-nine degrees eight minutes east, along said fence, four hundred and five feet nine inches (405' 9") to the easterly limit of the said lot; thence south sixteen degrees east, along the easterly limit of said lot, four hundred and twenty feet ten inches (420' 10") to the place of beginning, and known as lots 1 to 67 inclusive as laid out on plan No. 1,983, registered in the said registry office for the Township of Scarborough, in the County of York, such factory and works to be completed and in operation not later than the first day of May, A.D. 1921.

(2) The company agrees to carry on its business continuously during ten (10) years commencing with the completion of the plant and during that time to employ therein continuously for at least twenty-five (25) days in each month, ten (10) months in the year, at least two hundred (200) employees subject however to accidents, strikes, or other acts or causes beyond the power of the company to prevent or control.

(3) The municipality agrees that it will, at the next session of the Legislative Assembly of the Province of Ontario, make application for a special Act, permitting it to assess the lands, plant and buildings of the company at fixed assessments during ten (10) years, commencing with the completion of the buildings referred to in this agreement, that is to say: For the first five (5) years after the completion of the buildings, at the sum of twenty thousand dollars (\$20,000) and during the next succeeding five (5) years, at the sum of forty thousand dollars (\$40,000) and until completion of the buildings, but not later than the 1st day of May, 1921, on the basis of farm lands, as at present, and covenants and agrees with the company that having obtained such permission, so long as there is no default on the part of the company in respect of this agreement, it will fix and maintain such assessments at the amounts aforesaid.

(4) The municipality agrees to expand such sums as may be necessary, not exceeding fifteen hundred dollars (\$1,500) for the purpose, on or before the completion of the buildings herein referred to, of improving the road leading from Danforth Avenue to the entrance of the said above described lands, and the municipality further agrees to put down a sidewalk of gravel or cinders along the side of the said road, extending from Danforth Avenue to the company's property, and will further permit the company, at its own cost, expense, and risk in all respects, to place a small pumping house upon the said road near the creek which adjoins the property of Mrs. Massey, contiguous to the property herein described, and put in the ground such water pipes as they may find necessary leading from the creek to the company's building, such pumping house and water pipes to be erected and located subject to the approval of the plans thereof by an engineer or engineers to be named by the township council, and the municipality agrees that it will in the said proposed special Act incorporate a section providing for closing such portion of the highway to public traffic as may be requisite for the erection of said pumping house, as approved by any such engineer, and use its best endeavours to have such passed and ratified, but in case the Legislature shall not incorporate such section in such special Act, then the company agrees to save and keep harmless the municipality from all loss, cost, damage and expense which the municipality may at any time suffer by reason of any encroachment upon the said highway which may be made by the company pursuant to the permission hereby granted.

(5) In case of default by the company for a period of thirty days in respect to any of the covenants herein contained by it to be observed or performed, the municipality may, at its option, by a notice in writing sent by registered mail addressed to the company at its said factory, declare this agreement at an end, and thereupon at the expiration of such thirty days all the rights and privileges hereby given to the company shall cease; provided that in computing such period of default the time during which a strike of the company's employees at said factory or works may continue shall not be included. If, through no fault of the company's, or by reason of something beyond the control of the company the business of the company is not carried on during ten months in the year, in accordance with paragraph 2 hereof, then such period during which the business is not carried on owing to causes beyond the control of the company, shall not be computed in arriving at the period of default herein provided for.

(6) It is understood and agreed that the fixed assessment herein provided for shall not include local improvement rates.

(7) It is agreed that the business assessment of the company shall be based upon the fixed assessment as above set out, for the term herein mentioned.

(8) Notwithstanding anything herein contained, the lands and premises shall be liable to assessment and taxation for school purposes, to the same extent as if this agreement had not been executed.

(9) The assessors and other officers making assessments for the said Township of Scarborough or its successor, are hereby authorized and required to so make their assessments and returns as to conform with the provisions of this agreement.

(10) At the end of ten (10) years the privileges herein conferred by a fixed assessment shall cease and be at an end.

In witness whereof the parties hereto have hereunto set their hands and seals.

J. G. CORNELL,
Reeve.

(Seal.)

W. D. ANNIS,
Clerk.

Township of Scarborough.

The Gendron Manufacturing
Co., Ltd.

(Seal.)

L. V. DUSSEAU,
Sec'y-Treas.

The Gendron Manufacturing
Co., Ltd.

CHAPTER 142.

An Act respecting the City of Stratford.

Assented to June 4th, 1920.

WHEREAS the Corporation of the City of Stratford Preamble. has, by its petition, represented that pavements were laid by the said Corporation in the years 1905 and 1906 upon certain parts of Ontario Street, Downie Street, Market Street, Wellington Street and the Market Place in the said City of Stratford as local improvements under the local improvement clauses of *The Municipal Act*, the said parts of the said streets which were so paved being more particularly described in By-laws numbers 1252, 1289, 1290 and 1381 of the said City of Stratford; and that debentures were issued by the said Corporation to defray the cost of the said pavements under certain By-laws numbered respectively 1252, 1289, 1290 and 1381 under the local improvement clauses of *The Municipal Act* then in force; the term of the debentures and the assessment periods under each of the said by-laws and the parts of the streets to which the same applied being as follows:—

Rev. Stat.,
c. 192.

By-law number 1252, passed March 12th, A.D. 1906; debenture and assessment period fifteen years; Market Street from Ontario Street to Downie Street and Downie Street from Market Street to the south side of George Street; pavement forty-three feet (43 ft.) wide; assessment period expires in 1920.

By-law number 1289, passed 20th of August, A.D. 1906; debenture and assessment period twenty years; Ontario Street from Queen Street to Waterloo Street; pavement thirty-two feet (32 ft.) wide; assessment period expires 1926.

By-law number 1290, passed 20th of August, A.D. 1906; Ontario Street from Waterloo Street to the west end of Ontario Street; debentures and assessment period fifteen years; pavement sixty-two feet (62 ft.) wide; assessment expires in 1926.

By-law number 1381, passed the 28th day of December,

A.D.

Rev. Stat.,
c. 193.

A.D. 1906; the whole roadway of Market Place and Wellington Street from Downie Street South to where a line drawn at right angles across Wellington Street from the west end of the south limit of Market Place intersects Wellington Street and the triangular space in front of the City Hall; pavement covering the whole of the roadway on Market Place and the whole of Market Place except the portion covered by granolithic sidewalks, and the whole of that part of Wellington Street described above not covered by granolithic sidewalks and the triangular place in front of the City Hall; assessment period expires in 1921; and that all the said pavements are now in a very bad state of repair and large portions of them entirely worn out, and it is necessary that the same should be reconstructed and resurfaced in order to make the same safe for traffic; and that without Legislative authority the said Corporation cannot, until the expiration of the assessment periods in each case, reconstruct the said pavements or lay new pavements upon the said streets under *The Local Improvement Act*; and that it is urgently necessary to reconstruct the pavements upon the said streets before the expiration of the said assessment periods; and that the surface of the pavements so laid was constructed of asphalt blocks purchased by the said Corporation from the Ontario Asphalt Block Company, Limited, under certain agreements bearing date respectively the 18th day of May, A.D. 1905, and the 18th day of June, A.D. 1906; and that the performance by the said Ontario Asphalt Block Company, Limited, of the agreements so entered into by the said Corporation were guaranteed by certain bonds of the Ontario Asphalt Block Company, Limited, and the United States Fidelity and Guaranty Company bearing date respectively the 18th day of August, A.D. 1905, and the 30th day of July, A.D. 1906; and that an action is now pending in the Supreme Court of Ontario between the said Corporation as plaintiff and The Ontario Asphalt Block Company, Limited, and The United States Fidelity and Guaranty Company as defendants, to recover damages from The Ontario Asphalt Block Company, Limited, for breaches of said agreements and to recover from both defendants \$9,500 for breaches of conditions of said bonds; and whereas the said Corporation has, by petition, prayed that an Act may be passed for the above mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. It shall and may be lawful from and after the passing of this Act and before the expiration of the assessment periods provided for in said by-laws numbered respectively 1252, 1289, 1290 and 1381, for the Corporation of the City of Stratford to pass a by-law or by-laws under any of the methods provided in section 8 of *The Local Improvement Act* for undertaking as local improvements under the said Act, new pavements, resurfacing of pavements and storm sewers upon, on or in all those parts of Ontario Street, Downie Street, Market Street, Wellington Street and Market Place in the said City of Stratford particularly described in said by-laws numbered respectively 1252, 1289, 1290 and 1381, notwithstanding anything to the contrary contained in *The Local Improvement Act* or in any by-law of the Corporation of the City of Stratford.

Power to undertake certain works as local improvements during life time of existing works.

2. All works that may be undertaken by the said Corporation pursuant to section 1 of this Act shall be deemed to be local improvements constructed under *The Local Improvement Act* and all the provisions of *The Local Improvement Act* not inconsistent with this Act shall apply thereto.

Application of Rev. Stat. c. 193.

3. Every by-law which may be passed by the said Corporation under the authority of this Act for undertaking any of the said works, and every by-law passed for the issuing of debentures for paying the cost of any such works and assessing the cost thereof shall provide that the annual sums, rates or levies that would otherwise be assessed against the property fronting or abutting upon such work until the expiration of the assessment periods provided in such of said By-laws numbered 1252, 1289, 1290 and 1381 as applied to the original work upon such street shall be assessed and paid by the said Corporation out of general rates, and that only after the expiration of such assessment period under such by-law shall such annual sum, rate or levy be assessed against the property fronting or abutting upon such work.

Payment of special assessment under existing by-laws out of general funds.

4. The Corporation of the City of Stratford shall apply *pro rata* in reduction of the cost of any works that may be constructed under the authority of this Act all sums that may be recovered or realized by the said Corporation for damages, or penalty, or otherwise less the proper costs of recovering the same in a certain action now pending in the Supreme Court of Ontario, in which the said Corporation is plaintiff and The Ontario Asphalt Block Company, Limited, and The United States Fidelity and Guaranty Company are the defendants.

Application of money recovered as damages in reduction of cost of works.

5. Nothing herein contained or contained in any of the by-laws which may be passed under the authority hereof shall

Rights of parties to pending litigation in not affected.

in any way affect or alter the rights of the parties in the said action now pending in the Supreme Court of Ontario in which the said Corporation is plaintiff, and The Ontario Asphalt Block Company, Limited, and The United States Fidelity and Guaranty Company are the defendants, or the amount of damages or other relief that may be recovered or given therein, and the said action may be proceeded with and finally adjudicated upon in all respects as if this Act had not been passed.

CHAPTER 143.

An Act respecting the Town of Sudbury.

Assented to June 4th, 1920.

WHEREAS the Municipal Council of the Corporation Preamble.
of the Town of Sudbury, hereinafter called the corporation, has, by petition, represented that it is desirable that certain by-laws specified in schedule "A" hereto, and the debentures issued and to be issued thereunder, and the assessments made or to be made, and the rates levied or to be levied for payment of said debentures, should be validated and confirmed; and whereas the said corporation has prayed that an Act may be passed for the above purpose; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws specified in schedule "A" hereto are confirmed and declared to be legal, valid and binding upon said corporation and the ratepayers thereof; the rates imposed by and to be levied under said by-laws for payment of debts authorized by said by-laws and the interest thereon, are also confirmed and declared to be valid and binding upon the Corporation of the Town of Sudbury and the ratepayers thereof. Confirmation of by-laws specified in Sched. "A."

2. All debentures issued or to be issued or purporting to be issued under said by-laws or any of them are confirmed and declared to be valid and binding upon the Corporation of the Town of Sudbury, and it shall not be necessary for the purchasers of such debentures to enquire into the validity of the proceedings relating to the issue of same or to see to the application of purchase money therefor. Confirmation of debentures.

SCHEDULE

SCHEDULE "A."

No. by-law.	Date of passing by-law.	Nature of work under by-law.	Amount debt created.	Amount payable by town.	Amount payable by ratepayers.	Period of payment.	Rate of interest.
637	16th June, 1919.	A by-law to provide for the borrowing of \$16,000.00 upon debentures to pay for the extension of the existing Electric Light system in the Town of Sudbury	16,000.00	16,000.00	.....	10 yrs.	5%
657	23rd Feb., 1920.	A by-law to provide for the raising of \$3,862.07 upon debentures to pay for the construction of water-works' extensions in the Town of Sudbury	3,862.07	1,635.28	2,226.79	20 yrs.	5%
658	23rd Feb., 1920.	A by-law to provide for the raising of \$1,497.71 upon debentures to pay for the construction of the water-works' extension in the Town of Sudbury	1,497.71	631.35	866.36	5 yrs.	5%
659	23rd Feb., 1920.	A by-law to provide for the raising of \$25,503.97 on debentures to pay for the construction of the sanitary sewers in the Town of Sudbury	25,503.97	13,439.19	12,064.78	20 yrs.	5%
660	23rd Feb., 1920	A by-law to provide for borrowing \$1,799.27 on debentures to pay for the construction of concrete walks in the Town of Sudbury	1,799.27	764.72	1,034.55	10 yrs.	5%

CHAPTER 144.

An Act respecting the City of Toronto.

Assented to June 4th, 1920.

WHEREAS the Corporation of the City of Toronto Preamble. has, by petition, prayed for special legislation in respect of the several matters hereinafter set forth; and whereas at the annual municipal elections, held by the said Corporation on January first, 1920, the following questions were submitted to the electors qualified to vote on money by-laws: "Are you in favour of (1) The operation of the Toronto Railway System by a commission of three rate-payers resident in the municipality, to be appointed by the City Council and to act without salary? (2) The city's applying for legislation enabling it to borrow money without a further vote of the electors to acquire the property of the Toronto Railway Company which the City is entitled to take over under the agreement between the City and the Company and for the purposes of the Transportation Commission, and to make arrangements for the operation thereof?"; and whereas the said electors, by a large majority, voted in favour of both of the foregoing questions; and whereas it is desirable to validate certain sales of lands for arrears of taxes and to remove any doubts that may arise as to the validity thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the Corporation of the City of Toronto (hereinafter called the "Corporation") may by by-law establish a Commission under the name of "The Toronto Transportation Commission," (hereinafter called the "Commission") with the powers, rights, authorities and privileges hereinafter set forth.

Establishment of Toronto Transportation Commission.

Incorporation and members.

2. The said Commission shall be a body corporate and shall consist of three members, each of whom shall be a resident and a ratepayer of the City of Toronto, and shall be appointed by the Council of the Corporation of the City of Toronto on the nomination of the Board of Control, and no appointment shall be made by such Council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of the Council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.

Vacancies.

3. Where a vacancy in the Commission occurs from any cause, the Council shall immediately appoint, as set out in the next preceding section, a member who shall hold office for the remainder of the term for which his predecessor was appointed.

Reappointment of members.

4. Any member shall be eligible for re-appointment on the expiration of his term of office.

5. The members of the Commission may be paid such salary or other remuneration as may be fixed by by-law of the council.

Member of council not eligible.

6. No member of the Council shall be eligible to be appointed a member of the Commission.

Control and management by commission of street car systems.

7. The Council of the said Corporation, upon the Corporation acquiring such property of the Toronto Railway Company, as the said Corporation is entitled to take over under the provisions of the agreement and conditions, tender and by-law incorporated therewith, set forth as Schedule "A" to the Act passed in the fifty-fifth year of the reign of Her late Majesty, Queen Victoria, chaptered 99, or under the provisions of the said Act, shall by by-law entrust to the said Commission the control, maintenance, operation and management thereof and also the control, maintenance, operation and management of the municipal street railways, controlled and operated by the said Corporation.

Rights, powers, etc., of city transferred to Commission.

8. Upon such by-law being passed by the said Council all the powers, rights, authorities and privileges of the said Corporation as to the construction, maintenance, operation, control and management of street railways by any general or special Act conferred upon the said Corporation shall be exercised by the Commission and not by the Council of the Corporation.

9. The Council of the said Corporation may, in its discretion, by by-law entrust the construction, control, maintenance, operation and management of the municipal street railways controlled and operated by the said Corporation to the Commission at any time before the acquiring by the said Corporation of the property of the Toronto Railway Company hereinbefore referred to and thereafter all the powers, rights, authorities and privileges of the said Corporation as to construction, operation, control, maintenance and management of municipal street railways shall be exercised by the Commission and not by the Council of the said Corporation.

Control
and opera-
tion of
civic car
lines.

10. The Council of the said Corporation may at any time by by-law entrust the construction, control, maintenance, operation and management of lines of motor busses, or of subways, or of tubes or of any other method of underground or overhead local transportation within the powers of the Corporation to the said Commission, and thereafter all the powers, rights, authorities and privileges of the said Corporation as to the construction, control, maintenance, operation and management of the transportation so put under the control of the Commission shall be exercised by the Commission and not by the Council of the Corporation.

Construc-
tion and
operation
of motor
busses,
subways,
tubes, etc.

11. From and after its establishment it shall be the duty of the Commission to consider generally all matters relating to local transportation in the City of Toronto, to construct such new lines of street railway and to provide such plant, equipment and other facilities as it may consider necessary to be constructed or provided in anticipation of the taking over by the City of the property of the Toronto Railway Company, referred to in section 6.

Duties of
commis-
sion as to
local
transporta-
tion, etc.

12. The Commission shall, in particular, but not so as to restrict its general powers and duties have the following powers and duties, namely:—

Particular
powers
of Com-
mission.

- (a) To construct, control, maintain, operate and manage new lines of street railway in addition to or in extension of existing lines;
- (b) To fix such tolls and fares so that the revenue of the Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper;

(c)

- (c) To make requisitions upon the Council for all sums of money necessary to carry out its powers and duties, but nothing herein contained shall divest the Council of its authority with reference to providing the money required for such works, and when such money is provided by the Council the treasurer of the municipality shall upon the certificate of the Commission pay out any money so provided.

Annual
report
of Com-
mission to
Council.

13. Immediately after the close of each calendar year the Commission shall prepare report to Council and publish a complete audited and certified financial statement of its affairs, including revenue and expense account, balance sheet and profit and loss statement, and said statement shall be accompanied by a general report of the operations of the Commission during the year.

Inspection
of books,
etc., by
audit de-
partment.

14. All the books, documents, transactions and accounts of the Commission shall, at all times, be open for inspection by the audit department of the said City.

Power to
borrow
money to
acquire
property
of Toronto
Railway
Company
and for
new lines
of railway.

15. The Council of the said Corporation may, without submitting the same to the qualified electors, pass a by-law or by-laws, from time to time, for the issue of "City of Toronto Consolidated Loan Debentures," for such sum or sums as may be deemed necessary by the Council for the following purposes:—

- (a) To acquire such property of the Toronto Railway Company as the Corporation is entitled to take over, under the provisions of the agreement and conditions, tender and by-law set forth as Schedule "A" to the Act, passed in fifty-fifth year of the reign of Her late Majesty, Queen Victoria, chaptered 99, or under the provisions of the said Act confirming the said agreement;
- (b) To provide and pay for such plant, equipment and other facilities as may be necessary to be provided in anticipation of the taking over by the Corporation of the property of the Toronto Railway Company hereinbefore referred to and to meet such other expenditures as may be necessary in making arrangements for the operation of the said property when acquired by the said Corporation;

(c)

- (c) To provide the Commission with moneys with which to construct new lines of railway or extensions of existing lines, to provide rolling stock and equipment, erect buildings, acquire lands and other facilities and otherwise to carry out fully the foregoing provisions of this Act.

16. The amount of any debentures, issued by the said Corporation under the provisions of sections 1 to 15 inclusive of this Act, shall not be included in the Corporation's debt in estimating the limit of its borrowing powers.

Debentures not to be counted in ascertaining limit of borrowing

17. Section 4 of the Act, passed in the fourth year of the reign of His Majesty King George V, chaptered 98, is hereby repealed.

4 Geo. V. c. 98, s. 4, repealed.

18. All sales of lands within the municipality of the City of Toronto made during the year 1918, purporting to be made by the said Corporation for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed and all deeds of lands so sold executed by the mayor, treasurer and clerk of the said Corporation purporting to convey the said lands so sold to the purchaser thereof or his assigns or to the said Corporation shall have the effect of vesting the lands so sold and conveyed in the purchaser or his assigns or his or their heirs and assigns or in the said Corporation and its successors or assigns as the case may be in fee simple free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns, and of all charges and encumbrances thereon except taxes accrued after those for non-payment whereof the said lands were sold.

Tax sales and deeds confirmed.

19. The said Corporation may issue debentures from time to time after the 31st day of December, 1919, and within five years from the said date for such sum or sums as the Council may deem necessary, but not exceeding in any one year one mill on the dollar on the assessed value of all the rateable property in the said City in such year according to the last revised assessment roll for the purpose of purchasing lands for parks and playgrounds and for boulevards and drives in the said City or in any adjoining local municipality and for making permanent improvements thereon without submitting a by-law or by-laws for the same to the ratepayers entitled to vote on money by-laws; and if debentures to the amount of one mill on the dollar of such assessed value are not issued or the proceeds thereof in any one year or years not expended then the amount not issued or the sum not expended in any such year or years may be issued or expended in any subsequent year or years.

Power to issue debentures for park purposes.

7 Geo. V.
c. 92, s. 13,
amended.

20. Clause *a* of section 13 of the Act respecting the City of Toronto passed in the seventh year of His Majesty's reign, chaptered 92, is amended by adding at the end thereof the following words, namely: "or towards the redemption before maturity of any City of Toronto debentures held by the city as an investment in its sinking fund."

Exemption
from taxa-
tion of land
of Baldwin's
Canadian
Steel Cor-
poration.

21. The land and buildings in the Ashbridge's Bay industrial area in the City of Toronto comprised in the lease from the Toronto Harbor Commissioners now held by Baldwin's Canadian Steel Corporation, Limited, are hereby exempted from assessment and taxation for general purposes (excepting for school purposes) for the years 1920 and 1921, provided however, that in the event of the said land and buildings ceasing during the said years to be held and occupied by the Baldwin's Canadian Steel Corporation, Limited, the said Corporation of the City of Toronto shall be at liberty to assess the same in accordance with the provisions of *The Assessment Act*.

Grant of
\$10,000 to
Canadian
Jewish War
Relief.

22. The Council of the said Corporation may from its current revenue for the year 1920 grant the sum of \$10,000.00 to the Toronto Committee of the Canadian Jewish War Relief.

Submission
of question
to electors in
North
Toronto.

23. It shall be the duty of the Corporation of the City of Toronto to submit on the date for holding the poll at the next annual municipal election to the persons entitled to vote at municipal elections in that part of the city which prior to its annexation formed the Town of North Toronto the following question:—"Are you in favour of separation from the City of Toronto and of incorporation as the City of North Toronto?"

Date when
Act takes
effect.

24. This Act shall come into force on the day upon which same shall receive the Royal Assent.

CHAPTER 145.

An Act to Authorize the Corporation of the City
of Toronto to Erect Dwelling Houses.

Assented to June 4th, 1920.

WHEREAS the housing accommodation in the municipality of the City of Toronto is insufficient to meet the needs of the inhabitants thereof; and whereas the Corporation of the said City has petitioned for an Act to empower it to acquire land and to erect dwelling houses to supply the said need and to authorize the municipality to borrow from time to time such moneys as it may require to meet the cost and expenses of the erection of such houses, and whereas it is expedient that the said work should be undertaken through a Commission; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Toronto Housing Act*, and shall apply to the Municipality of the City of Toronto only.

2. In this Act,—

(a) "Commission" shall mean the Housing Commission appointed by the Corporation for the purposes of this Act;

(b) "House" shall include all necessary improvements and conveniences;

(c) "Corporation" shall mean the Corporation of the City of Toronto.

3. The Corporation may from time to time borrow the full cost of the lands acquired and of the houses erected by the Commission under the provisions of this Act, and all moneys required to enable the Commission to make the loans provided by section 7 of this Act and payments on

account the cost of such lands and houses and of such loans shall be made by the Corporation to the Commission from time to time during the progress of the work on estimates or requisitions furnished by the Commission to the Corporation.

Issue of
debentures
without
assent of
electors.

4.—(1) The Corporation, for the purposes of this Act, may, without obtaining the assent of the electors, pass by-laws from time to time for borrowing on the general credit of the Corporation such moneys as the Commission may require, and may agree with any bank, person or corporation for temporary advances upon such security as may be agreed upon and may issue Toronto consolidated loan debentures for the payment of the moneys borrowed.

(2) Any money borrowed by the Corporation under the provisions of this Act shall not be counted in ascertaining whether the limit of its borrowing powers has been reached under any general or special Act.

Appoint-
ment of
commission.

5.—(1) The Council of the Corporation shall by by-law forthwith appoint a commission, to be known as "The Toronto Housing Commission," for the purpose of carrying out the provisions of this Act.

Members
and term
of office.

(2) Such Commission shall be composed of five persons resident in the municipality, who are not members of the Council, and shall hold office for five years and until their successors are appointed.

Vacancies.

(3) In case of a vacancy in the office of a member before the expiration of his term, the Council shall appoint a person to fill the vacancy for the unexpired term.

No salary.

(4) The members of the Commission shall receive no salary or other remuneration and shall be eligible for re-appointment.

Chairman,
vice-
chairman.

(5) The Commission shall elect a chairman, and a vice-chairman who shall preside at all meetings of the Commission in the absence of the chairman.

Incorporation.

(6) The Commission shall be a body corporate and shall have a corporate seal, and all agreements of sale, conveyances and other documents shall be executed by the chairman or by the vice-chairman and by the secretary, and have the corporate seal attached thereto, but where by an oversight the seal has not been affixed, it may be affixed at any time afterwards and when so affixed the agreement of sale, conveyance or other document shall be as valid and effectual as if it had been originally sealed.

(7) The Commission may lease suitable premises for ^{Appointment of officers, clerks, etc.} offices and may appoint and employ such officers, solicitors, assistants, clerks, servants and persons as it may deem necessary to carry out the objects and provisions of this Act, and may allow them such compensation or salaries as it deems fitting, and require and take from them such security for the due and faithful performance of their respective duties as it deems necessary; and the city clerk, commissioner of works, assessment commissioner, the assessors, the treasurer, city architect, and other officers of the Corporation shall, at the request of the Commission and under the direction of the Board of Control do and perform all such duties under this Act as they would do and perform for the Corporation in the like case if the carrying out of the provisions of this Act had been conferred on the Corporation.

(8) The money required by the Commission from time to time for the purposes of this Act, shall be paid by the treasurer of the Corporation to the Commission on the certificate or order of the Commission, and the Commission shall be responsible for the proper expenditure thereof. ^{Payment over to Commission of money required.}

(9) The treasurer shall keep separate accounts of all ^{Separate accounts of money borrowed.} moneys borrowed by the Corporation for the purposes of this Act.

6. The Commission may erect, on land acquired by it within the limits of the municipality, dwelling houses of not more than seven rooms of a class suitable for the accommodation of persons who have been on active service during the present war with the naval or military forces of Great Britain or her allies, and of working men and working women and men and women of moderate means who are residents of the City of Toronto. ^{Erection of dwelling houses.}

7.—(1) The Commission may make loans for the purposes of this Act on such terms and conditions as it may determine, except that the rate of interest charged shall not exceed the rate at which the Corporation may be able to secure the moneys hereinbefore authorized to be borrowed, to— ^{Loans to private persons.}

(a) A private person who desires to erect a house for his own occupation on land owned by him; and in such case the applicant shall convey his lands to the Commission.

(b) A private person who desires to erect a house for his own occupation on land owned by the Commission.

(2) The Commission may, if it thinks proper, require any person to furnish any security or make any payment or comply with any condition required by it. ^{Other security.}

Loans
only on
land in
city.

8.—(1) No loan made by the Commission shall be made upon any land or house not situate within the municipality.

Borrower
to be
deemed
purchaser.

(2) The person to whom a loan is made shall become a purchaser from the Commission under agreement of sale.

Sale of
houses
erected.

9.—(1) Houses erected by the Commission may be sold by it to any person mentioned in section 6 of this Act at such price and on such terms as the Commission may determine, except that the rate of interest on any unpaid balance shall be in all cases computed at a rate not to exceed the rate at which the Corporation may secure borrowed moneys.

Applica-
tion of
Rev. Stat.,
c. 124,
s. 48.

(2) The provisions of section 48 of *The Registry Act*, as to the registration of mortgages endorsed "not to be recorded in full," shall apply *mutatis mutandis* to agreements of sale under this Act.

Sales at
actual
cost.

10. All houses sold by the Commission shall be sold at actual cost as determined by the Commission, and in arriving at such cost the Commission shall be entitled to add to the actual cost of the land acquired and the buildings erected thereon all costs, charges, fees and other expenses incurred by the Commission in the carrying out of the provisions of this Act.

Prohibi-
tion
against
renting or
selling.

11.—(1) The houses erected or purchased under the provisions of this Act shall not be sold, rented or leased except with the written approval of the Commission, and any lease, agreement for lease, or for rent or sale made without such approval shall be null and void.

(2) This section shall not apply where the purchase money or the loan has been paid in full.

Enforcing
payment
of instal-
ments.

12.—(1) For the purpose of enforcing payment of the instalments due under any agreement of sale and of entering into possession after default, the Commission shall have all the remedies which a landlord has against a tenant under *The Landlord and Tenant Act*, and the purchaser shall be deemed a tenant to the Commission.

Rev. Stat.,
c. 155.

Provision
for taking
forcible
possession
on default.

(2) Where default has been made in any payment, or in any covenant or provision under an agreement of sale, and the default continues for one month and the purchaser refuses to give up possession to the Commission, the Commission may by order authorize and require any constable, with such assistance as he may need, to enter on and take possession of the premises for and on behalf of the Commission.

Expropria-
tion of
land.

13.—(1) The Commission may acquire by purchase, or otherwise, or may without the consent of the owner enter upon and take land for the purposes of this Act.

(2) The compensation to be paid for any land taken shall be determined by a sole arbitrator who shall be one of the judges for the time being of the County Court of the County of York, and in case the Commission and the owner of the land taken cannot agree upon such arbitrator, the Chief Justice of Ontario shall determine which county judge shall be appointed. Compensation, how determined.

(3) The arbitrator may determine the compensation to be paid for the land taken in a summary manner upon seven days' notice in writing served upon the owner or other person interested in the land, and after hearing what is alleged by all parties and without hearing any other evidence, unless the arbitrator decides to do so, and the award so made shall be final and binding and shall not be subject to appeal. Procedure governing arbitration.

(4) The compensation to be paid for the land taken shall be the amount which the arbitrator determines is its fair market value, and nothing shall be allowed by reason of the land being available for the purposes of this Act, or for any increase in value by reason of the Commission contemplating the construction of houses on it or providing better means of access or transportation thereto, or by reason of the fact that the land is being taken. Amount of compensation.

(5) In determining the compensation to be paid, the arbitrator shall take into consideration the relative benefit or injury occasioned by the severance of the land of any person. Case of severance of land.

(6) The arbitrator may, if he thinks proper, retain the service of a valuator for the purpose of assisting in fixing the amount of the compensation. Valuator.

(7) Except as otherwise herein provided, the provisions of *The Municipal Act* as to expropriation and compensation shall *mutatis mutandis* apply. Application of Rev. Stat., c. 192.

14. No loan shall be made to any person, nor shall any house be sold to any person, nor shall any agreement of sale be assigned to any person, under the provisions of this Act, who is not a British subject. Sales and loans only to British subjects.

15. The Commission may sell and dispose of any of its vacant land or other assets not required by it. Power to sell assets.

16. The Corporation shall be responsible for and shall pay to the Commission the deficit, if any, of the Commission during the year. Payment of deficit by city.

17. The Commission shall, at the end of each calendar year, make a full and complete report to the Corporation of its operations during the year. Annual report of Commission.

Act
deemed
to be in
force
from
May 1st,
1919.

18. This Act shall be deemed to have come into force and to have taken effect on, from and after the first day of May, 1919, and all acts, matters and things done and performed within the scope of this Act by the persons who have been requested by the Corporation to act as members of the Commission and who have, since the first day of May, 1919, been acting as trustees for the Corporation in carrying out the objects of this Act, are hereby validated and confirmed.

By-law
No. 8122
confirmed.

19. By-law No. 8122 of the said Corporation, passed on the ninth day of May, 1919, set forth in Schedule "A" hereto is hereby validated and confirmed and the said Council is hereby declared to have had authority to pass the same.

Irregularity
of form
not to in-
validate
debentures
or by-laws.

20. No irregularity in the form of any of the debentures issued under the authority of this Act or in any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the Corporation of the City of Toronto for the recovery of the amount thereof or interest thereon or any part thereof.

SCHEDULE "A."

No. 8122. A BY-LAW.

To appoint "The Toronto Housing Commission" and to authorize the borrowing of money for the purposes thereof.

(Passed May 9th, 1919).

Whereas the Corporation of the City of Toronto intends to apply to the Legislature of the Province of Ontario at its next session for an Act authorizing the said Corporation to erect dwelling houses on lands within the Municipality to relieve the present pressing necessity for more housing accommodation and to carry out the provisions thereof through a Commission to be known as "The Toronto Housing Commission;"

And whereas it is deemed necessary that building operations should commence at the earliest possible moment and be carried on throughout the present year;

And whereas it is expedient to appoint the said Commission and to make financial arrangements to carry on the said work forthwith;

Therefore the Council of the Corporation of the City of Toronto enacts as follows:

I.

Sir John C. Eaton, Sir James W. Woods, Mr. Frank A. Rolph, Mr. J. Allan Ross, and Mr. H. H. Williams are hereby appointed as members of the Toronto Housing Commission.

II.

II.

The said Commission may forthwith enter upon the duties and may exercise all the powers proposed to be conferred upon it by the Act to be passed by the Legislature of the Province of Ontario at its next session as fully and effectually as though the said Act had been enacted at the date of the passing hereof, and all the provisions of the said proposed Act shall be binding upon the said Commission.

III.

Any three members of the said Commission may take, hold and convey real estate in their joint names as trustees for the said Commission and, upon the incorporation of the said Commission, the said trustees shall convey all properties and securities then standing in their names to the said Commission, and the duties and powers of the said trustees shall thereupon cease and all rights, powers and assets shall thereupon become vested in and may be exercised by the Commission.

IV.

The Mayor of the said City and the City Treasurer are hereby authorized to borrow from time to time from any person or persons, bank or banks, in Canada or elsewhere, or from any financial institution, such sum or sums as may be required by the said Commission during the year 1919, and until the said proposed Act comes into effect; and the City Treasurer is hereby authorized to advance to the said Commission, from the moneys so borrowed, or from any funds on hand, such sum or sums from time to time as the Commission may require in carrying into effect its powers and duties hereunder.

V.

The said Mayor and Treasurer may draw, make and deliver promissory notes, bills or other securities of the Corporation evidencing the amounts borrowed from time to time under this By-law, or may borrow the said sum or sums by way of overdraft of the Corporation's account or accounts with any bank or banks, and such notes, bills or other securities drawn on such bank or banks shall be countersigned by the City Auditor.

VI.

Upon the passing of the said proposed Act by the said Legislature all moneys borrowed under the authority of this By-law, or otherwise advanced, may be consolidated and debentures issued under the said Act for the purpose of liquidating all outstanding securities issued in pursuance hereof, or other liabilities incurred.

T. L. CHURCH,
Mayor.
Council Chamber, Toronto, May 9th, 1919.

W. A. LITTLEJOHN,
City Clerk.
(L.S.).

CHAPTER 146.

An Act respecting the Town of Walkerville.

Assented to June 4th, 1920.

Preamble.

Rev. Stat.,
c. 263.

WHEREAS the Corporation of the Town of Walkerville has, by its petition, represented that it has, by the beneficence of Messrs. Hiram Walker Sons the use and management of certain beautiful parks within the limits of the corporation which it has undertaken to keep in proper condition and that, owing to the great increase in wages and a stationary assessment, it is unable to maintain the said parks in proper condition to satisfy its obligations in that respect with the amount collectable under *The Public Parks Act*, and that it is desirable to increase the amount so collectable; and whereas it is expedient to grant the prayer of the petition as hereinafter set forth;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Limit of
Park Fund
Rate.

Rev. Stat.,
c. 192.

1. The limit of the Park Fund rate, which the Council of the Corporation of the Town of Walkerville may levy and assess in every year, including the year 1920, under section 18 of *The Public Parks Act*, shall be one (1) mill in the dollar upon the assessed value of all rateable, real and personal property, instead of one-half ($\frac{1}{2}$) mill, and the same shall not be deemed to be included in the limit of rates fixed by section 297 of *The Municipal Act*.

2. This Act shall come into force on the day on which it receives the Royal Assent.

CHAPTER 147.

An Act respecting the City of Windsor and the Board of Park Management thereof.

Assented to June 4th, 1920.

WHEREAS the Municipal Corporation of the City of Windsor has, by petition, represented that it has passed a by-law under *The Public Parks Act*, providing for and establishing a Board of Park Management and the said Board of Park Management has found it necessary to meet large expenditures in connection with the establishment of public parks in the said city and for such purpose has found that the limit of one half mill in the dollar upon the assessed value of all the rateable property of the municipality is insufficient to provide the necessary funds required for the above purpose; and whereas the said corporation has prayed for an Act allowing it to levy a rate not exceeding one mill in the dollar for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Rev. Stat.,
c. 203.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Municipal Council of the City of Windsor shall assess and levy in every year a special annual rate in addition to all other rates and assessments for municipal purposes to furnish the amount required for the year for park purposes for the City of Windsor, but not exceeding one mill in the dollar upon the assessed value of all rateable property in the municipality as a park fund rate and the said amount shall be collected in the same manner as other taxes and rates imposed by the municipality.

Rate of
1 mill
for park
purposes.

CHAPTER 148.

An Act to validate and confirm By-law Number
2510 of the City of Windsor.*Assented to June 4th, 1920.*

Preamble.

WHEREAS the Corporation of the City of Windsor has by petition represented that the ratepayers of the City of Windsor have duly approved of said by-law by a vote of more than two-thirds of those voting thereon, and that the said corporation has by a vote of three-fourths of all the members of its council on the first day of March, 1920, finally passed said by-law granting a bonus to the Border Cities Hotel Company, Limited, by way of a fixed assessment upon certain lands; and whereas the said corporation of the City of Windsor has by its petition prayed that an Act may be passed ratifying and confirming the said by-law; and whereas it is expedient to grant the prayer of the petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law
No. 2510
confirmed.

1. By-law number 2510 of the Corporation of the City of Windsor as set out in schedule "A" hereto is hereby ratified and confirmed and declared to be legal, valid and binding for all purposes upon the said corporation and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

SCHEDULE "A."

BY-LAW NUMBER 2510.

A by-law to grant a bonus to The Border Cities Hotel Company, Limited and to grant to said company a fixed assessment upon certain lands.

Provisionally adopted the 12th day of January, 1920.

Finally passed the 1st day of March, 1920.

Whereas The Border Cities Hotel Company, Limited, has applied to the Council of the City of Windsor to grant it a bonus by way of a fixed assessment of \$100,000.00 for a period of ten years upon lands upon which it is intended to erect a hotel building, the said lands being the southerly ten (10) feet in width of lot number eight (8) and all of lots numbers nine (9), ten (10) and eleven (11) situated on the east side of Ouellette Avenue in
the

the City of Windsor, in the County of Essex, Ontario, according to a subdivision of farm lots eighty-one (81) and eighty-two (82), formerly in the Township of Sandwich, but now in the said City of Windsor, according to registered plan number three hundred and thirty-three (333), having a frontage of ninety (90) feet on Ouellette Avenue, by a depth of one hundred and sixty-one (161) feet four (4) inches on Park street;

And whereas it has been deemed advisable to grant the request of the said Company, subject to the approval of the Ontario Legislature;

And whereas it is necessary that this by-law should be submitted to the ratepayers of the City of Windsor for their approval;

Therefore the Corporation of the City of Windsor, by the Council thereof, enacts as follows:—

1. That when and so long as the above-described lands are used and occupied by the said Company in connection with its business as a hotel, the assessment upon the said lands, including building or buildings erected thereon, shall be and the same is hereby fixed at the sum of \$100,000.00 for a period of ten years from the final passing of this by-law, except for school purposes and local improvement rates.

2. The grants and privileges hereinbefore contained are subject to and contingent upon the said Company, its successors and assigns, erecting upon the said lands a hotel building at a cost of not less than \$800,000.00, and said building to be completed and used for the purposes of the business of the Company not later than the 31st day of December, 1921.

.....
Mayor.

.....
Clerk.

CHAPTER 149.

An Act respecting the City of Woodstock.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Corporation of the City of Woodstock has, by petition, represented that the Brunswick-Balke-Collender Co., a corporation incorporated under the laws of the State of Delaware, one of the United States of America, and having its head office at the City of Chicago, in the State of Illinois, proposes to establish an industry in Canada for the manufacture of phonographs and phonograph records, and has entered into an Agreement dated the 30th day of October, 1919, with the said Municipal Corporation whereby it agrees to cause a company to be incorporated and organized under the laws of either the Dominion of Canada or the Province of Ontario to carry on at the City of Woodstock the said industry and other business which such Company may be empowered and may determine to carry on subject to the granting of aid by way of loan and bonus by the said Municipal Corporation as set out in the said Agreement; and whereas it appears by the said petition that there has been duly submitted to the electors of the said Municipal Corporation By-law No. 1166, providing for the granting of the said aid by way of loan and bonus, which by-law did receive the assent of the duly-qualified electors, by a vote of 1,227 for and 90 against the by-law, and was finally passed by the Council of the said Municipal Corporation on the 22nd day of December, 1919; and whereas the Corporation of the City of Woodstock, by the said petition, has prayed that an Act be passed validating, legalizing and confirming the said by-law No. 1166 and authorizing and empowering the said Corporation of the City of Woodstock to carry out the terms of the said Agreement dated the 30th day of October, 1919, which said Agreement is referred to in the said by-law and set out in Schedule One (1) thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law Number 1166 of the Corporation of the City of Woodstock, entitled "A By-law to grant aid by way of loan and bonus in respect of a manufacturing industry to be established in the City of Woodstock under the name of Brunswick Canadian Products Company, Limited, or such other similar name as can be procured," finally passed by the Council of the said Corporation on the 22nd day of December, 1919, as set out in Schedule "A" hereto, is hereby authorized and confirmed and declared to have the force of law and to be legal, valid and binding upon the said Corporation of the City of Woodstock and the ratepayers thereof and upon all parties affected thereby, notwithstanding any want of jurisdiction or power on the part of the said corporation to pass the said by-law and notwithstanding any defect in substance or form of the said by-law or in the manner of passing the same, and notwithstanding the provision of section 9 thereof, and the Council of the said Corporation of the City of Woodstock is hereby authorized and empowered to purchase the lands set out in schedules "A" and "B" to this Act, to pay for the same out of the sum of \$22,000.00 mentioned in the said by-law No. 1166, to convey the same in accordance with the provisions of the said agreement set out in schedule one (1) to the said by-law and to do all other acts necessary or convenient for the full and proper carrying out of the provisions of the said by-law and of the terms and conditions of the said Agreement.

By-law
No. 1166
confirmed.

2. The said Agreement, dated the 30th day of October, 1919, made between the said Brunswick-Balke-Collender Co. and the Corporation of the City of Woodstock, and as included in schedule One (1) to the said By-law Number 1166 set out in schedule "A" hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

Agreement
with
company
confirmed.

3. The debentures issued or to be issued under the said by-law are hereby confirmed and declared to be legal, valid and binding upon the said Corporation of the City of Woodstock and the ratepayers thereof.

Confirma-
tion of
debentures.

4. Notwithstanding anything herein contained, that part of the proposed manufacturing site referred to in the said Agreement, dated the 30th day of October, 1919, which is situate in the Township of Blandford, in the County of Oxford, shall remain liable, for the purpose of municipal taxation, within the said township in the same manner and to the same extent as if this Act had not been passed.

Assessment
of property
in Tp. of
Blandford.

Power to
amend
by-law.

5. Notwithstanding anything contained in this Act or in the said by-law number 1166, the Council of the Corporation of the City of Woodstock may, in the manner and for the purposes set out in section 291 of *The Municipal Act*, pass a by-law amending the said by-law number 1166; and any such amending by-law so passed shall be valid and binding on the said corporation and the ratepayers thereof.

Date when
Act to take
effect.

6. This Act shall come into force on the day on which it receives the Royal Assent.

SCHEDULE "A."

BY-LAW NUMBER 1166 FOR 1919 OF THE CITY OF WOODSTOCK.

A by-law to grant aid by way of loan and bonus in respect of a manufacturing industry to be established in the City of Woodstock under the name of Brunswick Canadian Products Company, Limited, or such other similar name as can be procured.

Whereas The Brunswick-Balke-Collender Co. is a corporation carrying on business in the United States of America, having its head office at the City of Chicago, Ill., and proposes to establish an industry in Canada for the manufacture of phonographs and phonograph records and subject to the passing of this by-law has decided to locate such industry at the City of Woodstock in the Province of Ontario, such business to be operated by a company incorporated and organized under the laws of either the Dominion of Canada or Province of Ontario;

Whereas there is not already established in the said City of Woodstock any industry of a nature similar to that so proposed to be established;

And whereas for the purpose of establishing and carrying on the said business and any other business which the Company may be empowered to carry on, it is proposed to erect and equip a factory building as set forth in the agreement hereto annexed as Schedule "1" hereto bearing date the 30th day of October, 1919, made between the said The Brunswicke-Balke-Collender Co. and the Corporation of the City of Woodstock;

And whereas it has been agreed that in the event of said industry being established in the City of Woodstock as aforesaid, the City of Woodstock shall provide for the Company referred to in the said Agreement Schedule "1" a site for its factory buildings as referred to in the said Agreement and shall make a loan to the said The Company of the sum of \$50,000.00 on the terms and conditions as set out in the said Schedule "1" hereto annexed;

And whereas, it has been agreed that the site for such factory buildings and factory purposes shall be the lands described by metes and bounds and referred to in the said Agreement Schedule "1," or such other site as may be mutually agreed upon, it being understood and agreed that the cost of such site shall not exceed the sum of \$22,000.00;

And whereas, it has been agreed that the said \$50,000.00 so to be advanced as aforesaid shall be satisfied or repaid as set out in the said Agreement Schedule "1";

And whereas, it has been further agreed that the satisfaction or repayment to the said City of Woodstock of the sum of \$50,000.00, shall be secured by a first mortgage, security to be held by the said City of Woodstock on the said factory site, buildings and plant, including all machines, machinery and appliances and other equipment, the form of said mortgage so to be taken as aforesaid having been agreed upon and is hereto annexed marked Schedule "2";

And whereas, it has been also agreed that the said proposed Company shall be entitled to a fixed assessment on the property of the Company in the said City of Woodstock at not more than \$50,000.00, for the purpose of Municipal Taxation, excepting school taxes and local improvements as set forth in the said Schedule "1"; and whereas the sum of seventy-two thousand dollars is the debt intended to be created by this by-law;

And

And whereas, for the purpose of providing the said sum of \$50,000.00 and \$22,000.00, making together the sum of \$72,000.00, it will be necessary for the Corporation of the City of Woodstock to borrow the said sum and to create a debt and to issue debentures for the said sum of \$72,000, as hereinafter mentioned and such debt and the debentures to be issued hereunder will be made payable within twenty years at furthest from the date on which the said debentures are under this by-law to be issued;

And whereas, it is desirable to make the principal of the said debt repayable by yearly sums during the period of twenty years being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years;

And whereas, it will require the sum of \$6,024.91 to be raised annually, by special rate, for paying each instalment and interest thereon as set out in section two of this by-law;

And whereas, the amount of the whole rateable property of the said Municipality according to the last revised assessment roll, being for the year 1919, is the sum of \$5,365,191;

And whereas, the amount of the existing debenture debt of the said Municipality of Woodstock is \$812,137.61 (not deducting the sinking fund on hand on account of debenture debt); no part of the principal or interest being in arrear;

Be it therefore enacted, by the Municipal Council of the Corporation of the City of Woodstock, as follows:—

1. That the agreement above referred to, dated the 30th day of October, 1919, and referred to in the recitals hereto as Schedule "1" and the form of mortgage also referred to in the recitals hereto as Schedule "2" be, and the same are hereby approved and the execution of the agreement and the mortgage be and the same are hereby authorized by the Mayor and Clerk and under the Corporate Seal of the said City of Woodstock, and it shall and may be lawful for the Mayor and Council of the said City of Woodstock, to carry into effect the said Agreement referred to as aforesaid as Schedule "1" and to take the mortgage security referred to as aforesaid as Schedule "2."

2. For the purpose of raising the said sum of \$72,000.00, there shall be borrowed on the credit of the Corporation of the said City of Woodstock the sum of \$72,000.00 and debentures shall be issued therefor for the said sum of \$72,000.00 and interest, and it shall be lawful for the Mayor of the said City of Woodstock and he is hereby authorized and empowered to raise by way of loan from any person or persons, body or bodies corporate, who may be willing to advance the same upon the security of the debentures hereinafter mentioned the sum of \$72,000.00 and to issue debentures of the City of Woodstock, bearing interest at five and one-half per cent. per annum as hereinbefore recited and payable in the manner and at the times hereinafter set out as follows:—

Years.	Interest.	Principal.	Total.
1.	\$3,960 00	\$2,064 91	\$6,024 91
2.	3,846 43	2,178 48	6,024 91
3.	3,726 61	2,298 30	6,024 91
4.	3,600 20	2,424 71	6,024 91
5.	3,466 84	2,558 07	6,024 91
6.	3,326 15	2,698 76	6,024 91
7.	3,177 72	2,847 19	6,024 91
8.	3,021 12	3,003 79	6,024 91
9.	2,855 91	3,169 00	6,024 91
10.	2,681 62	3,343 29	6,024 91
11.	2,497 74	3,527 17	6,024 91
12.	2,303 75	3,721 16	6,024 91
13.	2,099 09	3,925 82	6,024 91
14.	1,883 17	4,141 74	6,024 91
15.	1,655 37	4,369 54	6,024 91
16.	1,415 05	4,609 86	6,024 91
17.	1,161 51	4,863 40	6,024 91
18.	894 01	5,130 90	6,024 91
19.	611 81	5,413 10	6,024 91
20.	314 10	5,710 81	6,024 91

3. That the said debentures shall be sealed with the seal of the corporation and signed by the Mayor and countersigned by the Treasurer of the said City of Woodstock and shall have coupons for interest attached, which said coupons shall be signed by the Treasurer of the said City of Woodstock, and shall be payable at the office of the Treasurer of the City of Woodstock at his office in the City of Woodstock, Ontario.

4. The said debentures shall all bear the same date and the said debentures shall be issued within two years from the date of the passing of this by-law.

5. During the currency of the debentures there shall be levied and raised in each year by special rate on all the rateable property in the said Municipality over and above and in addition to all other rates and taxes the amount of the instalment of principal and interest payable in each year as set forth in section 2 hereof.

6. The debentures may contain any provisions for the registration of them authorized by law.

7. And, it is hereby enacted that the said Agreement Schedule "1" and the said Mortgage Schedule "2" are hereby incorporated in this by-law and made a part hereof.

8. And, it is hereby enacted that the said proposed company shall for the period of ten years from the date of delivery of the deed or deeds, conveying to it the said manufacturing site, be entitled to and have a fixed assessment of the property of the company situate in the said City of Woodstock as aforesaid of \$50,000.00, for all purposes of municipal taxation, excepting school taxes and local improvements and such assessment is hereby fixed at the said sum for the said period of ten years.

9. This by-law shall take effect on and from and after having received the assent of two-thirds of the electors, who vote on the by-law and the affirmative vote of three-fourths of all the members of the council and from, and after, the coming into force and effect of the special Act of the Legislature of the Province of Ontario as set out in the said Agreement Schedule "1."

Read a first time, Nov. 4th, 1919.

Read a second time, Nov. 4th, 1919.

Read a third time, and passed,

This 22nd day of December, 1919.

(Sgd.) A. J. GAHAGAN,

Mayor.

(Sgd.) JOHN MORRISON,

City Clerk.

SCHEDULE

SCHEDULE "D."

This is Schedule "1" referred to in by-law No. 1166 of the City of Woodstock.

This agreement, made the 30th day of October, 1919,

Between

The Brunswick-Balke-Collender Co., a corporation incorporated under the laws of the State of Delaware, of the first part,

and

The Corporation of the City of Woodstock, hereinafter referred to as the City, of the second part.

Whereas, the party of the first part has offered on the terms and conditions herein set out to organize a company (hereinafter referred to as "The Company") to be called Brunswick Canadian Products Co., Limited, or such other similar name as can be procured, for the purpose of manufacturing phonographs and phonograph records in the City of Woodstock, Ontario;

And whereas, it is proposed that the Company shall be incorporated under the laws of either the Dominion of Canada or the Province of Ontario, with an authorized capital stock of \$500,000.00 divided into 5,000 shares of \$100.00 each, and is to be supplied with working capital sufficient to enable it to perform the duties and obligations to be assumed by it under this agreement;

And whereas for the purpose of carrying on its business, it is proposed that the Company shall erect in the City of Woodstock, factory buildings with a floor area of not less than 125,000 square feet which it shall suitably equip for its purposes;

And whereas the party of the first part has offered to organize the Company as above set out on condition that the City grant to the Company for a manufacturing site, the lands described in Schedules "A" and "B" hereto or such other site as may be mutually agreed upon and give a loan to the Company of the sum of \$50,000.00 upon the terms hereinafter set out and fix the assessment for municipal taxation of the property of the Company for a period of ten years;

And whereas the lands described in Schedule "A" which are situate within the limits of the City of Woodstock, will not be a sufficiently large site for the purposes of the Company's plant, and there will also be required for such purposes the lands described in Schedule "B" hereto, which immediately adjoin the lands described in Schedule "A," but are situated in the Township of Blandford outside the limits of the City of Woodstock;

And whereas the city, not having the power to expend money for the purchase as a part of the said manufacturing site, of the said lands described in Schedule "B" hereto, has agreed to petition the Legislature of the Province of Ontario at the next sittings thereof, for the enactment of a special or private Act of the said Legislature, authorizing the city to purchase the said lands described in Schedule "B" hereto for the purposes aforesaid and declaring valid and binding this agreement and the by-law to be enacted by the city for the purpose of carrying it into effect;

Now therefore this agreement witnesseth that in consideration of the premises and the mutual covenants and agreements herein contained, the parties hereto agree as follows:—

1. The party of the first part shall cause the Company to be incorporated under the laws of either the Dominion of Canada or the Province of Ontario to be called Brunswick Canadian Products Co., Limited,

Limited, or such other name as can be procured, with power among other things to manufacture phonographs and phonograph records. The Company shall have an authorized Capital Stock of five hundred thousand (\$500,000.00) dollars, divided into five thousand (5,000) shares of one hundred (\$100.00) dollars each, and have its chief place of business at the City of Woodstock, Ontario.

2. The party of the first part shall furnish or cause to be furnished as working capital, a sum sufficient to enable the company to perform the duties and obligations to be assumed by it under this agreement.

3. The Company is to erect upon the manufacturing site described in Schedules "A" and "B" hereto (or such other site as may be mutually agreed upon) substantial factory buildings of a modern style of construction having a floor area of not less than 125,000 square feet, and shall suitably equip the same for the purposes of the Company, said buildings and equipment to cost not less than two hundred thousand (\$200,000.00) dollars.

4. The city shall by deed convey to the Company the land described in Schedules "A" and "B" hereto (or such other site as may be mutually agreed upon) with a good and marketable title free from all encumbrances. The deed or deeds for such purpose is or are to be delivered in Escrow to Blake, Lash, Anglin & Cassels, of Toronto, Canada, until such time as the Company shall have erected and equipped factory buildings and been furnished with working capital as above set out, when delivery of the said deed or deeds shall be made to the Company.

5. At the time when as above set out, the Company shall be entitled to have delivered to it the deed or deeds conveying the said manufacturing site to the Company, the city shall cause such deed or deeds to be delivered and shall pay to the Company the sum of fifty thousand (\$50,000.00) dollars in cash as a loan, such loan to be accounted for by the Company on the following terms and conditions:—

(a) The Company shall give employment in Woodstock, Ontario, to not less than two hundred (200) employees, provided, however, in calculating employees not more than ten (10%) per cent. shall be female, during each working day for at least eleven (11) months in each year for a period of ten (10) years, computed from the date of payment of such loan;

(b) For each hour's employment given by the Company to an employee in Woodstock, Ontario, the Company shall be deemed to have duly accounted for 1½ cents of the said loan, provided that if the amount so deemed to be duly accounted for in any one of such years be less than five thousand (\$5,000.00) dollars, the Company shall be obligated to pay to the city in cash the difference between the amount so accounted for and the sum of five thousand (\$5,000.00) dollars, together with interest thereon at the rate of five (5%) per cent. per annum from the date of the payment of such loan to the Company, to the date of the payment of such difference by the Company to the city, provided, however, that the Company shall not be obligated to make such payment to the city until the expiration of the ten (10) years term herein provided, and in the event the Company during such ten (10) years term shall have given employment to employees, computed on the basis of 1½ cents per hour during such term, shall have equalled the amount of said loan, then the Company shall have been deemed to have accounted for the full amount of said loan and shall not be obligated to make any further payments hereunder, and shall not be considered as having been in default;

The Company shall have the right to apply, from time to time, for a partial discharge of said loan, based upon a computation, of
the

the said amount satisfied or paid on said loan in the manner herein provided;

(c) The Company may account during any year at the rate aforesaid for a greater amount than said five thousand (\$5,000.00) dollars;

(d) The total number of hours' employment given by the Company during any year shall be sufficiently proven for all purposes by a certificate of the President or General Manager of the Company given under the seal of the Company, stating the total number of hours' employment so given. Provided, however, that the city may examine the time sheets or other records of the Company from which the number of hours' employment so certified has been compiled;

(e) An accounting for a portion of the said loan for each year shall be made as herein provided, by the Company, within two (2) months after the expiration of each year;

(f) As security for the due accounting by the Company for the said loan, the Company shall upon payment to it of the said loan of fifty thousand (\$50,000.00) dollars, deliver to the city a mortgage covering the said manufacturing site and buildings thereon in the form set out in Schedule "C" hereto.

6. If it so desires the Company may from time to time account for the whole or any part of the said loan which has not been accounted for as above set out by paying to the city in cash the amount for which it so desires to account.

7. The city shall for the period of ten (10) years from the date of delivery of the deed or deeds conveying the said manufacturing site to the Company, fix the assessment of the property of the Company in Woodstock, at not more than fifty thousand (\$50,000.00) dollars for all purposes of municipal taxation, excepting school taxes and local improvements.

8. Upon the incorporation of the new company, it shall become entitled to the rights and privileges and subject to the duties and obligations hereby provided, with respect to it in the same manner as if it were a party hereto, and the rights and obligations of the party of the first part and of the Company under this agreement shall be binding upon and enure to the benefit of the successors and assigns of the Company.

9. This agreement shall not be binding upon either of the parties hereto until this agreement and the by-law of the City of Woodstock enacted for the purpose of carrying it into effect shall have been duly declared valid and binding and having the force of law by special or private Act of the Legislature of Ontario as above provided, and each of the parties hereto agrees to use its best endeavours to obtain the passing of such Act at the next sittings of the Legislature of Ontario, and if such special or private Act is not then obtained, either of the parties hereto may at its option by notice in writing mailed to the other party at its ordinary address, declare this agreement to be null and void.

In witness whereof the parties hereto have duly executed this agreement.

THE BRUNSWICK-BALKE-COLLENDER CO.

Witness,

(Sgd.) H. F. DAVENPORT.
(Seal.)

By JULIUS BALKE,
2nd Vice-President.

Witness,

(Sgd.) W. T. McMULLEN.
(Sgd.) THOMAS M. MCKALE.
(Seal.)

(Sgd.) A. J. GAHAGAN,
Mayor.
(Sgd.) JOHN MORRISON,
Clerk.

City of Woodstock.

SCHEDULE "A."

PART 1.

Hood's Description (Woodstock.)

All and singular those certain parcels or tracts of land and premises situate lying and being in the City of Woodstock in the County of Oxford and Province of Ontario, and being composed of lots numbered seventy (70) to eighty-four (84) inclusive, and those parts of lots numbered eighty-five (85) and eighty-six (86) lying within the said City of Woodstock, according to the registered plan of Hood's Driving Park Subdivision of part of lot number one hundred and seventy-two "C" (172 "C") and part of lot number twenty-two (22) in the second (2nd) concession of the Township of Blandford, containing by admeasurement $1\frac{358}{1000}$ acres, be the same more or less.

SCHEDULE "A."

PART 2.

W. A. A. A. Description (Woodstock.)

All and singular that certain parcel or tract of land and premises situate lying and being in the City of Woodstock and County of Oxford and Province of Ontario, and being composed of part of lot number 168 "C", according to registered plan number 293 of the City of Woodstock and being more particularly described as follows, that is to say:—

Commencing at a point in the westerly boundary of Tecumseh Street, three hundred and fourteen feet and three inches (314' 3") northerly along the said boundary from its intersection with the northerly boundary of First Street, thence westerly parallel to First Street, four hundred and seventy-five feet (475') to the westerly boundary of said lot, thence northerly along this last mentioned boundary three hundred and eight feet and seven inches (308' 7") to the northerly boundary of the City of Woodstock, thence easterly along this last mentioned boundary, four hundred and eight feet and six and one-half inches (408' 6½") to the westerly boundary of right of way of the Port Dover and Lake Huron Railroad, thence southerly along this last mentioned boundary one hundred and eighty feet and two inches (180' 2") to the westerly boundary of Tecumseh Street, thence southerly along this last mentioned boundary one hundred and fifteen feet and one inch (115' 1") to the place of beginning, together with all the rights and privileges to and in a strip of land twelve feet (12') in width along the west side of Tecumseh Street reserved by the party of the first part in a conveyance to the Wayne Oil Tank and Pump Co., containing by admeasurement $3\frac{084}{1000}$ acres, be the same more or less.

SCHEDULE "A."

PART 3.

Wayne Oil Tank and Pump Co., Limited.

All and singular that certain parcel or tract of land and premises situate lying and being in the City of Woodstock in the County of Oxford and Province of Ontario, being composed of part of lot num-

ber 168 "C," as laid down or shown on the map of the City of Woodstock prepared by F. J. Ure, O.L.S., for the Municipal Council of the City of Woodstock and registered as number 293 in the Registry Office in and for the said County of Oxford, and being more particularly described as follows, that is to say: Commencing in the westerly boundary of the said lot at the distance of one hundred feet six inches measured northerly along the said boundary from the southwest angle of the said lot, thence northerly along the westerly boundary of the said lot, two hundred and thirteen feet and nine inches, thence easterly parallel to the northerly boundary of First Street, four hundred and sixty-three feet, more or less, to a point twelve feet westerly at right angles from the westerly boundary of Tecumseh Street, thence southerly parallel to this last mentioned boundary two hundred and thirteen feet and nine inches, thence westerly parallel to the northerly boundary of First Street, four hundred and sixty-three feet, more or less, to the place of beginning: containing by admeasurement two acres and one-fifth of an acre, be the same more or less, together with the building now located thereon.

The foregoing description leaves to the grantor, The Woodstock Amateur Athletic Association, a strip of land twelve feet in width between the westerly boundary of Tecumseh Street and the easterly limit of the land therein conveyed. The grantee shall have full rights of ingress, egress and regress over the said strip of land for all purposes necessary for the proper use of the lands herein conveyed, but no user of the said right of way shall interfere with the right of the said grantor, its successors or assigns, to lay or cause to be laid a railway siding or switch upon any part of the said strip of land.

SCHEDULE "B."

PART 1.

Hood's Description (Blandford).

All and singular those certain parcels or tracts of land and premises situate lying and being in the Township of Blandford in the County of Oxford and Province of Ontario, being composed of lots numbers ninety, eighty-nine, eighty-eight, eighty-seven and those parts of lots numbers eighty-six and eight-five lying north of the northern boundary of the City of Woodstock, according to the Registered Plan of Hood's Driving Park Subdivision of part of lot number one hundred and seventy-two "C" (172 C) and part of lot number twenty-two (22) in the second (2nd) concession of the Township of Blandford: containing by admeasurement $\frac{127}{1000}$ acres be the same more or less.

SCHEDULE "B."

PART 2.

W. A. A. A. Description (Blandford).

All and singular that certain parcel or tract of land and premises situate lying and being in the Township of Blandford in the County of Oxford and Province of Ontario, being composed of part of lot number twenty-two (22) in the second (2nd) concession of the said Township of Blandford, and part of the original road allowance between the first (1st) and second (2nd) concessions of said Township and being more particularly described as follows, that is to say: Commencing at a point in the westerly boundary of the right of way of the Port Dover and Lake Huron Railway, one hundred and eighty feet and two inches (180' 2") northerly from the intersection of said boundary with the westerly boundary of Tecumseh

Street,

Street, said point being the north-easterly angle of lot number one hundred and sixty-eight "C" (168C), according to registered plan number two hundred and ninety-three (293) of the City of Woodstock, thence northerly along the westerly boundary of said railway one hundred and fifty-four feet and five inches (154' 5"), thence westerly parallel to the northerly boundary of the City of Woodstock, three hundred and fifty-one feet and one inch, then south eleven (11) degrees and thirty-eight (38) minutes west, one hundred and sixty-five (165) feet to the northerly boundary of the City of Woodstock, thence easterly along this last mentioned boundary four hundred and eight feet and six and one-half inches (408' 6½"), more or less, to the place of beginning, containing by admeasurement $1\frac{348}{1000}$ acres, be the same more or less.

SCHEDULE "B."

PART 3.

North of City of Woodstock.

All and singular that certain parcel or tract of land and premises situate lying and being in the Township of Blandford in the County of Oxford and Province of Ontario, being composed of part of lot number twenty-two (22) in the second (2nd) concession of said Township of Blandford and being more particularly described as follows, that is to say: Commencing at a point in the westerly boundary of the right of way of the Port Dover and Lake Huron Railway, three hundred and thirty-six feet and two-tenths of a foot northerly from its intersection with the westerly boundary of Tecumseh Street, thence westerly parallel to the front of said lot number twenty-two (22) four hundred and eighty feet, thence northerly parallel to the aforesaid right of way, one hundred and eighteen feet, thence easterly parallel to the front of the said lot number twenty-two (22) four hundred and eighty feet, more or less, to the westerly boundary of the said right of way, thence southerly along this last mentioned boundary one hundred and eighteen feet, more or less, to the place of beginning, containing by admeasurement one acre and thirty-hundredths acres, be the same more or less.

THE BRUNSWICK-BALKE-COLLENDER CO.

By JULIUS BALKE,
2nd Vice-President.

(Sgd.) A. J. GAHAGAN,
Mayor.

THIS IS SCHEDULE "C" REFERRED TO IN THE AGREEMENT.

Dated the 30th day of October, 1919.

This indenture (in duplicate) made this day of
A.D. 1919, in pursuance of *The Short Forms of Mortgages Act*,

Between

Hereinafter called "The Mortgagor" of the first part,

and

The Corporation of the City of Woodstock, hereinafter called
"The Mortgagee," of the second part.

Whereas

Whereas on the _____ day of _____, 1919, an agreement was entered into between Brunswick-Balke-Collender Co., a corporation incorporated under the laws of the State of _____, and the Corporation of the City of Woodstock, a copy of which said agreement is hereto annexed as Schedule "D" hereto;

And whereas a by-law of the City of Woodstock was duly enacted (subject to the confirmation thereof by the Legislature of the Province of Ontario) authorizing the granting to the proposed company described in the said agreement, of the municipal aid referred to in the said agreement and by-law, a copy of which said by-law, being by-law number _____ of the City of Woodstock is annexed hereto marked as Schedule "E;"

And whereas the agreement and said by-law has been duly declared valid and binding on the said corporation of the City of Woodstock and the ratepayers thereof and having the force of law;

And whereas the mortgagor has performed all acts and things necessary to be by it performed to entitle it to be paid the sum of \$50,000.00 referred to in the said agreement and by-law;

And whereas this mortgage security is given in pursuance of the terms of the said agreement and by-law;

Now this indenture witnesseth that in consideration of the premises and the performance by the Corporation of the City of Woodstock of the several acts to be performed by it under the said agreement including the payment over by the City of Woodstock of the sum of \$50,000.00 referred to in the said agreement and by-law (the performance whereof and receipt of such monies is hereby acknowledged) the said mortgagor doth grant and mortgage unto the said mortgagee, its successors and assigns all those certain parcels or tracts of land situate respectively in the City of Woodstock and in the township of Blandford in the County of Oxford as set forth and described in the said agreement hereto annexed as Schedules "A" and "B," and it is hereby expressly agreed and declared by the parties hereto that the plant, equipment, machinery and appliances situate on the said lands at the time of the execution hereof or that at any time hereafter during the currency of this mortgage may be placed thereon by the said mortgagor, its successors and assigns shall be deemed to be realty and covered by this mortgage.

Provided this mortgage to be void upon the due accounting or payment by the said mortgagor for the full amount of the said sum of \$50,000.00 as provided in the said agreement.

And the said mortgagor hereby covenants with the said mortgagee the Corporation of the City of Woodstock to do, perform, fulfil, and carry out all the acts, conditions, provisoes, terms, and agreements referred to in and contemplated by the said by-law and agreement to be assumed, done and performed and fulfilled by the then proposed company therein referred to, and which have not at the time of the execution of these presents been done, performed, fulfilled, or carried out.

And the said mortgagee the Corporation of the City of Woodstock hereby covenants with the said mortgagor to do, perform, fulfil and carry out the terms, provisoes and agreements contained in said by-law and agreement and intended and contemplated by the said by-law and agreement to be binding on the said City of Woodstock, and which have not at the time of the execution of these presents been done and performed, fulfilled and carried out.

Provided, that in case default shall be made by the said mortgagor in the performance of any of the duties and obligations imposed

posed on it by the said agreement and by-law and such default shall continue for the space of three months after written notice by the mortgagee specifying such default (which notice shall be deemed to be sufficiently given if posted up in a conspicuous place on the lands herein described and advertised for at least two weeks in a newspaper published in the City of Woodstock) the said mortgagee shall have the right and is hereby empowered, and it shall be lawful to and for the said mortgagee to enter into possession of the said lands, tenements and property hereby conveyed or intended so to be, and receive and take the rents, issues and profits thereof, and whether in or out of possession of the same, to make any lease or leases thereof or of any part thereof as it shall think fit, and also to sell and absolutely dispose of the said lands, tenements, hereditaments and premises hereby conveyed or mentioned or intended so to be or any part or parts thereof with the appurtenances by public auction or private contract or partly by public auction and partly by private contract as to it shall seem meet and to convey and assure the same when so sold unto the purchaser or purchasers thereof, his or their heirs or assigns, or as he or they shall direct and appoint, and to execute and do all such assurances, acts, matters, and things as may be found necessary for the purposes aforesaid, and the said mortgagee, its successors or assigns shall not be responsible for any loss which may arise by reason of any such leasing or sale as aforesaid unless the same shall happen by reason of its wilful neglect or default.

And the said mortgagor covenants with the said mortgagee that it has the right to convey the said lands to the said mortgagee;

That on default the said mortgagee shall have quiet possession of lands free from all encumbrances;

That it will execute such further assurances of said lands as may be requisite;

That it has done no act to encumber said lands;

That it will insure the said buildings on said lands to the amount of not less than \$50,000.00.

And the said mortgagor doth release to the said mortgagee all claims on said lands subject to the said provisos.

Provided that until default the said mortgagor shall have quiet possession of said lands.

And it is agreed and declared that the claim of the Corporation of the City of Woodstock as mortgagee in respect of the said lands shall be the said sum of \$50,000.00 and interest as referred to in the said agreement less any deductions or credits which the said mortgagor may be entitled to under the terms of the said agreement and by-law.

Witness the corporate seals of the parties hereto and the hands of their proper officers.

THE BRUNSWICK-BALKE-COLLENDER COMPANY.

By JULIUS BALKE,
2nd Vice-President.

(Signed) A. J. GAHAGAN,
Mayor.

CHAPTER 150.

An Act respecting the Township of York.

Assented to June 4th, 1920.

Preamble.

WHEREAS the Municipal Corporation of the Township of York has, by petition, shown that under an Act respecting the said Township of York, passed in the sixth year of His Majesty's reign, chaptered 100, the said township has constructed a system of waterworks, and it is desirous to amend said Act so that parts of the cost thereof may be recovered from the owners of lands recently built upon, which would otherwise fall upon the waterworks section of the said township wherein the said lands are situate; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario the following as subsection 2:—

6 Geo. V,
c. 100, s. 1,
amended.

1. Section 1 of *An Act respecting the Township of York*, passed in the sixth year of the reign of His Majesty King George V, and chaptered 100, is amended by adding thereto the following as subsection 2:—

Rev. Stat.,
c. 193.

- (2) When in order to effect the reduction of assessment, provided for in section 24 of *The Local Improvement Act*, the said corporation has reduced the assessment on any lands or portions of lands which would otherwise be charged for a proportion of the cost of construction mentioned in this section, and has charged the amount of the said reduction to the waterworks section in which the lands are situate, and after the passing of this Act, buildings, save and except private garages and stables, shall have been erected on the lands or any portion of same the assessment of which is so reduced, the cost of the construction mentioned in this section may be assessed against and
- levied

levied upon the lands so built on for a period of years equal to the term of the debentures issued to pay for the cost of such construction, and the amount paid on account thereof shall be placed to the credit of the water-works and maintenance account of the said corporation, provided that the rate to be charged against the said lands so assessed against and levied upon shall be the same as is charged against the lands adjoining thereto.

2. *An Act respecting the Township of York*, passed in 7 Edw. VII, the seventh year of the reign of His Majesty King Edward ^{c. 98,} amended. VII, chaptered 98, is hereby amended by striking out section 1 thereof and inserting the following:—

1. The Council of the Corporation of the Township of York may, by by-law passed not later than the 15th day of November in any year, enact that the meeting of the electors for the nomination of candidates for the offices of reeve, deputy reeves and councillors shall be held on the 21st day of December in each year, unless that day falls on Sunday, in which case the nomination shall be held on the preceding Friday, and that the election of reeve, deputy reeves and councillors shall be held on the 1st day of January next thereafter, except where that day falls on Sunday, in which case the election shall be held on the following day. Time for nomination and polling.

CHAPTER 151.

An Act respecting the Mount McKay and
Kakabeka Falls Railway Company.*Assented to June 4th, 1920.*

Preamble.

WHEREAS the Mount McKay and Kakabeka Falls Railway Company was incorporated by an Act passed by the Legislature of the Province of Ontario, in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by an Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by an Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by an Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, for the purpose of constructing and maintaining a railway to be operated by electricity, compressed air and other motive power, as set forth in the said Acts; and whereas by the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, it was, among other things, provided that the said company might operate the said railway or any authorized extensions thereof by steam for a period of two years from April 1st, 1916, except on Neebing Avenue, north of Montreal Street; and whereas it was, among other things, further provided by the said Act that the time for completion of the said railway be extended for a period of two years from the passing of the said last-mentioned Act; and whereas the said company has, by its petition, prayed for an Act extending the time within which the said company may operate the said railway and any authorized extensions thereof by steam for a further period of two years, except on Neebing Avenue, north of Montreal Street, and extending the time for completing the said railway for a further term of two years, and conferring such other rights, powers and authorities as may be incidental to the above; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, is repealed, and the following substituted therefor:—

1. Section 2 of the Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by adding thereto the following words: "Provided that the said company may operate the said railway and any authorized extensions thereof by steam for a period of two years from April 1, 1920, except on Neebing Avenue, north of Montreal Street, but such right to operate by steam shall then absolutely cease."

2. Section 3 of the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, is repealed.

3. Notwithstanding anything contained in *The Ontario Railway Act*, the railway authorized by the said Act, passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by the Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by the Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and by this Act, shall be completed within two years from the passing of this Act, and if the railway is not completed and put in operation within two years from the passing of this Act, then the powers granted to the company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

4. Subject to the provisions of this Act, all rights, powers, authorities and privileges conferred upon the said company by the said Acts, or by any general Act, are hereby declared to be in force, and nothing in this Act contained shall in any way be deemed to affect any agreement heretofore entered into between the company and any municipal corporation or any other person or persons.

CHAPTER 152.

An Act to Incorporate The Northern Light
Railways Company.*Assented to June 4th, 1920.*

Preamble.

WHEREAS Edward T. Willans, of the City of Toronto, in the County of York, manufacturer, Isabel Gee, of the said City of Toronto, clerk, and Henry Ross Webster, of the said City of Toronto, student-at-law, have, by their petition, prayed for an Act of Incorporation for the purpose of constructing and maintaining and operating light narrow gauge railways to be operated by steam, electricity or other motive power in the Districts of Temiskaming and Sudbury from a point at or near the Elk Lake Branch of the Temiskaming and Northern Ontario Railway adjoining the town plot of Smythe, in the District of Temiskaming, thence in a south-westerly direction through the Townships of James, Mickle, Roadhouse and Lawson, thence in a north-westerly direction through the Township of Nicol to a point in, at or near the town plot of Gowganda, and with branch lines proposed as follows:—(a) Commencing at a point on the Elk Lake-Gowganda line in the Township of Nicol, thence in a northerly direction through the Townships of Nicol, Haultain, Morel and Yarrow, connecting with the established gold mines in the Township of Powell known as the Fort Matachewan Gold Mining Area; (b) commencing at a point on the Elk Lake-Gowganda line in the Township of Nicol, running in a westerly direction through the Townships of Nicol, Milner and Tyrrell, in the District of Temiskaming, and McMurchy in the District of Sudbury, and connecting with the mines in the Township of Churchill known as the West Shining Tree Gold Mining Area; and a loop line, commencing at a point on the Temiskaming and Northern Ontario Railway at or near Swastika Station in the Township of Teck, running in a north-easterly direction through the Township of Teck and the Kirkland Lake Gold Mining Area, thence in an easterly direction through the Townships of Lebel and Gauthier, thence in a south-easterly direction to Larder Lake in the Township of Hearst, thence

in

in a southerly direction through the Township of Hearst to a point near Lake St. Anthony in the Township of Skead; thence in a westerly direction through the Township of Skead and in a north-westerly direction through the Townships of Catherine and Boston to a point at or near Boston Creek Station on the Temiskaming and Northern Ontario Railway; with power to construct branches or extensions at different points along the road and to connect with the Temiskaming and Northern Ontario Railway and any other railways that may be built; and with power to issue bonds and debentures or other securities; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Isabel Gee, Edward T. Willans, Henry Ross Webster and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of the “Northern Light Railways Company,” hereinafter called “the Company.” ^{Incorporation.}

2. The company is authorized and empowered to survey, ^{Location of line.} lay out, construct, complete, equip and maintain light, narrow gauge railways to be operated by steam, electricity or other motive power in the Districts of Temiskaming and Sudbury from a point at, in or near the Elk Lake Branch of the Temiskaming and Northern Ontario Railway adjoining the town plot of Smythe, in the District of Temiskaming, thence in a south-westerly direction through the Townships of James, Mickle, Roadhouse and Lawson, thence in a north-westerly direction through the Township of Nicol to a point in, at or near the town plot of Gowganda, and with branch lines proposed as follows:—(a) Commencing at a point on the Elk Lake-Gowganda line in the Township of Nicol, thence in a northerly direction through the Townships of Nicol, Haultain, Morel and Yarrow, connecting with the established gold mines in the Township of Powell, known as the Fort Matachewan Gold Mining Area; (b) commencing at a point on the Elk Lake-Gowganda line in the Township of Nicol, running in a westerly direction through the Townships of Nicol, Milner and Tyrrell, in the District of Temiskaming, and McMurchy in the District of Sudbury, and connecting with the mines in the Township of Churchill known as the West Shining Tree Gold Mining Area; and a loop line, commencing at a point on the Temiskaming and Northern Ontario Railway at or near Swastika Station

in the Township of Teck, running in a north-easterly direction through the Township of Teck and the Kirkland Lake Gold Mining Area, thence in an easterly direction through the Townships of Lebel and Gauthier, thence in a south-easterly direction to Larder Lake in the Township of Hearst, thence in a southerly direction through the Township of Hearst to a point near Lake St. Anthony in the Township of Skead; thence in a westerly direction through the Township of Skead and in a north-westerly direction through the Townships of Catherine and Boston to a point at or near Boston Creek Station on the Temiskaming and Northern Ontario Railway; with power to construct branches or extensions at different points along the road to connect with the Temiskaming and Northern Ontario Railway and any other railways that may be built.

Provisional
directors.

3. The said Isabel Gee, Edward T. Willans, Henry Ross Webster shall be provisional directors of the company.

Capital
stock.

4. The capital stock of the company hereby incorporated shall be \$500,000.

Bonds and
debentures.

5. The company may issue bonds, debentures or other securities to the extent of \$15,000 per mile of single track of the railway constructed or under contract to be constructed.

Number
of direc-
tors.

6. The board of directors of the company shall consist of not less than five or more than nine persons.

Head
office.

7. The head office of the company shall be at the City of Toronto, in the County of York.

Disposal
of surplus
electricity.

8.—(1) The company may enter into contracts for the purpose of disposing of surplus electricity for lighting and power purposes to municipalities, corporations and persons along said railway subject to the provisions of *The Power Commission Act*.

Consent of
municipal-
ity and ap-
proval of
Hydro-Elec-
tric Power
Commis-
sion.

(2) The company shall not supply electricity in any municipality except under a by-law passed by the council of the municipality, or under agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by the Hydro-Electric Power Commission of Ontario.

Supervision
of rates by
commission.

(3) The rates chargeable by the company for supplying electricity shall at all times be subject to the supervision

of

of the Hydro-Electric Power Commission of Ontario, and upon the complaint in writing of any municipal corporation, company or person that the company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the chairman of the commission may appoint a time and place at which the said commission, or some member thereof, will hear and determine the matter in dispute.

(4) Such notice of such appointment as the chairman may direct shall be given by the secretary of the said commission to all parties concerned. At the time and place appointed the said commission, or, with the consent of all parties, any member of the said commission shall hear and determine the matter in dispute, and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the company, and directing the amendments of any by-law or agreement accordingly.

Notice of
hearing by
commission.

(5) The said commission or the member thereof conducting the hearing, shall have the powers authorized to be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Powers of
commission.

(6) If the company neglects or refuses to obey or carry out the order or direction of the said commission, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the province the sum of \$100 for every day during which such refusal or neglect shall continue.

Penalty.

(7) The company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Separate
accounts to
be kept.

9. The company may purchase land for and may erect, maintain, control and acquire hotels, and sanitariums in connection with the said railway and at any point along its route or on the lands of its branches as aforesaid.

Hotels,
sanitariums

10. The company may, under and subject to such terms and conditions as may be fixed by the Lieutenant-Governor in Council lay down and construct its railway on, along and over any Crown lands and lands over which the Crown has power to grant such right, and also along, over and across any highway or allowance for road in unorganized territory,

Construction of rail-
way on
Crown
lands.

and

and along, over and across any highways in an organized municipality and over which the Crown has jurisdiction.

Right to
cut down
timber.

11. The company may, under and subject to such terms and conditions as may be fixed by the Lieutenant-Governor in Council cut down and use from any Crown lands through or along which the railway is being constructed such timber as may be necessary in the construction of the railway.

Application
of Rev.
Stat., c. 185.

12. The provisions of *The Ontario Railway Act*, except where inconsistent with the provisions of this Act, shall apply to the company and the railway to be constructed by it.

CHAPTER 153.

An Act to correct an error in an Act respecting
the Ontario West Shore Railway Company.

Assented to June 4th, 1920.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. *The Act respecting The Ontario West Shore Railway Company*, passed in the ninth year of His Majesty's reign,
chaptered 118 is amended as follows:— 9 Geo. V.
c. 118,
amended.

- (a) By striking out the figures "20,000" in the preamble to the said Act and substituting therefor the figures "15,000"; Clerical
error
corrected.
- (b) By striking out the figures "15,000" where they occur in the said preamble and substituting therefor the figures "20,000";
- (c) By striking out the figures "20,000" in subsection 1 of the said Act and substituting therefor the figures "15,000";
- (d) By striking out the figures "15,000" where they occur in sections 2, 4 and 5 of the said Act and substituting therefor the figures "20,000."

2. The amendments made by section 1 shall take effect as if the said *Act respecting The Ontario West Shore Railway Company* had been enacted as so amended. Amend-
ments to
have
retroactive
effect.

CHAPTER 154.

An Act respecting the Porcupine Rand Belt
Electric Railway Company.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title. **1.** This Act may be cited as *The Porcupine Rand Belt
Electric Railway Act, 1920.*

Charter
revived
and
extended.

2. Notwithstanding anything in *The Ontario Railway Act* or the amendments thereto or in the Act to incorporate the Porcupine Rand Belt Electric Railway Company, passed in the second year of His Majesty's reign, or in section 70 of *The Statute Law Amendment Act, 1914*, the said company is declared to be and to have been from the date of the incorporation thereof a valid and subsisting corporation. And the said Act of incorporation is declared to be and to have been in force in so far only as it relates to the construction, completion and operation of a line of railway from a point at or near the town site of Larder City, thence westerly through the townships of McVittie and Hearst, Gauthier and McElroy, Label and Boston, to a point at or near the town site of Dane and the said line of railway shall be commenced within two years and completed within three years after the passing of this Act, and if the said line of railway is not commenced within two years and completed within three years after the passing of this Act, then the powers granted to the said company by the said Act of incorporation and by this Act with respect to the said line of railway shall cease and be null and void as respects so much of the said line of railway as then remains uncompleted.

CHAPTER 155.

An Act to incorporate the Roman Catholic Episcopal Corporation of the Diocese of Hearst in Ontario, Canada.

Assented to June 4th, 1920.

WHEREAS the Right Reverend Joseph Hallé, Prefect Preamble.
Apostolic of The Catholic Prefecture Apostolic of
Hearst, in the Province of Ontario, has, by his petition,
prayed that it may be enacted as hereinafter set forth; and
whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act the said Incorporation.
Right Reverend Joseph Hallé and his successor and successors being Bishop, Vicar or Prefect Apostolic of the Diocese of Hearst aforesaid, in communion with the Church of Rome, shall be and are hereby declared to be a body corporate in the Diocese aforesaid, by and with the corporate name of "The Roman Catholic Episcopal Corporation of the Diocese of Hearst in Ontario, Canada."

2. The said corporation is hereby enabled and empowered to acquire either by deed of conveyance or by will, any lands, Power to acquire and hold lands.
tenements or hereditaments within the Province of Ontario, and to have, hold, possess and enjoy the same for the general uses and purposes eleemosynary, ecclesiastical or educational, of the said Diocese of Hearst or of any portion thereof, with power to convey or alienate the same or any part thereof in the manner hereinafter provided either by sale, exchange, mortgage, assignment, release, demise, or other disposition thereof, for such estate or terms of years, either absolutely or conditionally as may be determined upon.

Vesting
of land in
corporation.

3. Subject to all existing rights of property therein, and to all liens and incumbrances thereon, had or held by or vested in any person other than the said Right Reverend Joseph Hallé, the soil and freehold as well as the fee of all lands, tenements and hereditaments, and of all burial grounds and churches and chapels now belonging to and used, held, occupied, possessed or enjoyed by the said Right Reverend Joseph Hallé or his church in communion with the Church of Rome as aforesaid, and of all churches and chapels now being erected or to be hereafter erected in the said Diocese of Hearst and in communion with the Church of Rome as aforesaid, shall be and are hereby declared to be vested in the said corporation for the general uses and purposes aforesaid; the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, laws and usages to the contrary notwithstanding.

Execution
of will
devising
land to
corporation.

4. Any will containing a devise of any such lands, tenements or hereditaments, or of any interest therein, to or in favour of the said corporation, shall be made and executed at least six months before the death of the person making the same, and shall be duly registered according to law within twelve calendar months after such death, otherwise such devise shall be void and of no effect; provided always that in case the said corporation is disabled from registering any such will within the said time by reason of the contesting thereof or by any other inevitable difficulty, without the wilful neglect or default of the said corporation, then the registration of said will within the space of twelve months next after attainment by said corporation of such will or probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this section.

Registration
of deeds of
land.

5. All deeds or other conveyances or acts whatever conveying any landed property, executed by or in favour of the said corporation, which by any Registry Act or Land Titles Act now in force, or which may hereafter be in force in this Province, will require to be registered, shall be duly registered according to such Registry Act or Land Titles Act and in compliance therewith, or not being so registered shall be on the same footing as other deeds, conveyances and Acts of a similar nature, relating to any other corporation or persons whatever.

Conveyance
to corpora-
tion of land
held in trust.

6. It shall be lawful for any person in whose name any lands, tenements or hereditaments within Ontario are now or shall or may be hereafter vested in trust or otherwise for the benefit either of the said Bishop, Vicar or Prefect Apostolic of the said Diocese of Hearst for the time being

or

or of the said corporation, from time to time to convey, assign or transfer by deed all or any of the said lands, tenements or hereditaments, unto the said corporation for the general purposes and uses aforesaid as provided by this Act.

7. The said corporation shall have power to borrow moneys on mortgage security of the real estate of said corporation, to issue bonds, debentures, debenture stock, both perpetual and terminable, or other securities, to pledge or sell such bonds, debentures or other securities for such sum and at such prices as may be deemed expedient or be necessary and to make, draw, accept, endorse or become party to promissory notes and bills of exchange (but it shall not be necessary to have the seal of the corporation affixed to any such note or bill) for the purpose of purchasing real estate, for any of the purposes of the said corporation or for the purpose of erecting, finishing or repairing any church, chapel, seminary, or clergyman's residence erected or to be erected, and for enlarging the same, or to pay off any debt which may have been or may be incurred by such corporation; provided that the person or persons or corporation from whom such moneys shall be borrowed on any such mortgage security, bonds, debentures, debenture stock, promissory notes, bills of exchange or other securities shall not be obliged to see to the application of the said moneys or of any part thereof. Nothing in this section shall be construed to authorize the corporation to issue any note or bill payable to bearer thereof or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking or insurance.

8. The provisions of this Act shall be subject to *The Mortmain and Charitable Uses Act*, except that the period within which the land shall be sold shall be seven years instead of two years, and it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* held, used and occupied for ecclesiastical, charitable or educational purposes.

9. The Bishop, Vicar or Prefect of the said Diocese for the time being is hereby enabled to execute all conveyances, bonds, debentures or other instruments in the name of the said corporation and to affix the seal of the corporation thereto.

10. A declaration on the face of the deed, mortgage, bonds, debenture or other instrument that it has been executed by the person and in the manner mentioned in the

last preceding section is to be sufficient evidence of the matters therein referred to.

Execution
of discharges
of mortgages.

11. Any statutory discharge of mortgage required to be given by the said corporation shall be deemed to be sufficiently valid if executed by the Bishop, Vicar or Prefect of the said Diocese for the time being with the seal of the said corporation affixed thereto and no recitals shall be necessary therein or therefor.

General
power to
sell and
convey land.
Investment
of funds.

12. Subject always to the terms of any trust relating thereto the corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the corporation, whether by the way of investment for the uses and purposes aforesaid or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for the uses and purposes aforesaid, in and upon any security in which trustees are by the laws of the Province of Ontario authorized to invest; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

Coadjutor
acting
instead of
Bishop, etc.

13. In case the Bishop, Vicar or Prefect for the time being of the said Diocese shall, from sickness, infirmity or any other cause, become incapable or be incapacitated to perform his duties in the said Diocese, then his coadjutor or the person or persons administering the Diocese for the time being shall during such sickness, infirmity or incapacity, have the same powers as are by this Act conferred upon the said corporation or the said Bishop, Vicar or Prefect.

Statutory
transfer
of land in
name of
Right Rev.
Joseph Hallé
to corpora-
tion.

14. It is hereby further enacted that all lands, tenements and hereditaments within Ontario, heretofore conveyed, demised, devised or otherwise assigned to the said Right Reverend Joseph Hallé, Prefect Apostolic of Hearst or otherwise in his official capacity as Prefect Apostolic of Hearst and all rights and equities in respect of the same, shall stand in the name of, and are hereby transferred to and absolutely vested in the said "The Roman Catholic Episcopal Corporation of the Diocese of Hearst in Ontario, Canada"; provided that this section shall not be construed to affect any existing rights or equities as against said lands in the hands of third parties.

Commence-
ment of Act.

15. This Act shall come into effect on the day on which it receives the Royal Assent.

CHAPTER 156.

An Act to authorize the Bankers Trust Company
to do business in the Province of Ontario.*Assented to June 4th, 1920.*

WHEREAS The Bankers Trust Company (hereinafter Preamble. called "The Company") has, by its petition, represented that it was incorporated by Special Acts of the Legislature of the Province of Quebec, passed in the fifth year of the reign of His Majesty King Edward VII (5 Ed. VII (1905) which said Act was amended by an Act of the said Legislature passed in the ninth year of the reign of His Majesty King Edward VII (9 Ed. VII (1919), c. 114) under the name of The Bankers Trust Company, and that its present capital is one million dollars (\$1,000,000.00) all of which has been issued and allotted and of which two hundred and fifty thousand dollars (\$250,000.00) has been paid up in cash; and whereas the company has prayed for the passing of an Act authorizing it to transact only the business of a trust company in the Province of Ontario in conformity to the public general law thereof;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon giving security to the satisfaction of the Lieutenant-Governor of the Province of Ontario in Council, in a sum of not less than two hundred thousand dollars (\$200,000.00) the company shall, upon filing with the registrar appointed under *The Loan and Trust Corporations Act*, a power of attorney as required by section 119 of the said last mentioned Act and upon being registered under the said Act, be authorized and empowered to carry on and exercise in the Province of Ontario the business of a trust company with the powers set forth in *The Loan and Trust Corporations Act*.

Authority
to carry
on business
in Ontario.

a Rev. Stat.,
c. 184.

Rev. Stat.,
c. 184.

2. The Lieutenant-Governor in Council may at any time or from time to time increase the amount of such security

Increase of
security.

by

by a notice in writing to the manager or secretary at the chief agency of the company in the Province of Ontario; and if the company fails to furnish such increased security within two months after such notice then and thereupon the company shall *ipso facto* become disentitled and shall cease to do further business in the said province.

Chief
agency
at Toronto.

3. The chief agency of the company for the Province of Ontario shall be in the City of Toronto and the company shall keep at the said chief agency a manager and secretary who, as well as all other officers at the said agency, or in the said province, shall in respect of all business transacted by the company in the said province be absolutely subject to the control of the courts of the said province as fully as if the head office of the company were within the said province, and as if the company were wholly managed and controlled therein.

Investments
of company
in Ontario.

4. All the investments of the company in respect of all trust business entrusted to it in the Province of Ontario shall (subject to the provisions as to investments contained in the deed, will or other instrument of trust, and subject to the direction, if any, of the Supreme Court of Ontario or of any judge thereof) be wholly invested at one or other of the agencies of the company in the said province; and the trust securities representing such investments from time to time shall be held and retained at all times at one or other of such agencies, and under the control of the courts of the said province; the said trust securities shall (subject to the provisions of the said instruments of trust) be securities in which trustees or trust companies are, by the law of the said province, authorized to invest trust funds.

Limitation
of powers.

Rev. Stat.,
c. 154.

5. The company shall be limited in respect of all business relating to property and civil rights or provincial objects in the Province of Ontario, to the powers mentioned in the schedule to *The Loan and Trust Corporations Act*, and shall be subject to the general provisions of the said Act and of the general public law of the said province relating to trust companies and trusts.

Separate
accounts
for each
trust.

6. The moneys and securities of each trust shall always be kept distinct from those of the company, and in separate accounts, and so marked in the books of the company for each particular trust as always to be distinguished from any other in the registers and other books of account kept by the company and at no time shall trust moneys form part of, or be mixed with the general assets of the company.

7. Moneys, properties and securities received or held by the company upon trust or as agent of any person or corporation shall not be liable for the debts or obligations of the company.

Trust
moneys
not liable
for debts of
company.

8. In case of the appointment of the company to any trust or office by any court or judge, in Ontario, such court or judge may at any time and from time to time require the company to render an account of its administration of the particular trust or office to which the company has been so appointed and a judge of the Supreme Court of Ontario may also at any time and from time to time appoint a suitable person to investigate the affairs and management of the company, and as to the security offered to those by or for whom its engagements are held, and such person shall make his report to such court or judge and the costs and expenses of such investigation shall be borne as ordered by such court or judge.

Duty as to
rendering
account of
adminis-
tration.

9. Nothing in this Act shall be deemed to authorize the company to commence business in Ontario until it has been registered as required by the provisions of *The Loan and Trust Corporations Act*.

Registration
first re-
quirement.
Rev. Stat.,
c. 184.

CHAPTER 157.

An Act respecting the Edinburgh Assurance Company, Limited.

Assented to June 4th, 1920.

Preamble.

WHEREAS an Act was passed by the Parliament of Great Britain and Ireland in the eighth and ninth years of the reign of Her late Majesty Queen Victoria incorporating the Edinburgh Life Assurance Company and empowering said company to carry on the business of a life assurance company; and whereas said company was, on the 17th day of February, 1919, incorporated in Great Britain and Ireland under *The Companies Acts*, 1908 to 1917, as a limited company, and thereupon the name of the company became Edinburgh Life Assurance Company, Limited; and whereas on the 3rd day of May, 1919, the name of the said Edinburgh Life Assurance Company, Limited, was changed by special resolution and with the authority of the Board of Trade to the Edinburgh Assurance Company, Limited; and whereas the said Edinburgh Life Assurance Company has for many years past invested large sums of money in the Province of Ontario upon the security of first mortgages on real estate, and is also possessed of real estate in this province derived under foreclosure of one of such mortgages; and whereas doubts have arisen as to the sufficiency of discharges of such mortgages executed by the company under its present name of Edinburgh Assurance Company, Limited; and whereas said company has prayed that such discharges should be confirmed and validated, and that it should be declared that all the property and assets in the Province of Ontario belonging to the said Edinburgh Life Assurance Company or to the said Edinburgh Life Assurance Company, Limited, are vested in the said Edinburgh Assurance Company, Limited; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the assets, interests, rights, credits, effects and property, real and personal of whatsoever kind and wheresoever situate in the Province of Ontario belonging to the said Edinburgh Life Assurance Company or to the said Edinburgh Life Assurance Company, Limited, are hereby declared to be vested in the said Edinburgh Assurance Company, Limited, its successors and assigns, for its and their own use absolutely, and the said Edinburgh Assurance Company, Limited, shall have and is hereby empowered to exercise all powers, rights and privileges in relation to the said assets, interests, rights, credits, effects and property, real and personal, of whatsoever nature and kind and wheresoever situate in the said province as the said Edinburgh Life Assurance Company now has or heretofore had.

Vesting
of assets,
rights, etc.

2. All discharges of mortgage as have heretofore been executed and delivered by the Edinburgh Assurance Company, Limited, under its corporate seal are hereby ratified, confirmed and validated.

Confirmation
of discharges
of mortgage.

3. For the purpose of *The Land Titles Act*, or of registration under *The Registry Act*, or of *The Bills of Sale and Chattel Mortgage Act*, or any other Act of Ontario, it shall be sufficient in order to shew the transmission of title from the Edinburgh Life Assurance Company to the Edinburgh Assurance Company, Limited, if any instrument affecting lands or interests in lands or personal property recite or mention the title of this Act and the chapter and statute year in which this Act was passed.

Recitals for
purposes of
registration
under Rev.
Stat., cc. 126,
124, 135.

CHAPTER 158.

An Act respecting Prudential Trust Company,
Limited.*Assented to June 4th, 1920.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

12 Geo. V,
c. 139, s. 1,
subs. 1,
amended.

1. Subsection 1 of section 1 of the Act passed in the first year of the reign of His Majesty King George the Fifth, chapter 139, is hereby amended by striking out the words "in a sum of not less than \$200,000" in the second and third lines thereof.

CHAPTER 159.

An Act to incorporate The Police Association
of Ontario.*Assented to June 4th, 1920.*

WHEREAS James Frederick White, William Martin, William Evans, Thomas Forbes and Frederick Grose, all of the City of Toronto and all members of the Toronto Police Force and officers of The Toronto Police Union have, by petition, represented that it is desirable that an association should be incorporated having for its object the good and welfare of police constables generally throughout Ontario, and having power to erect a club-house in the City of Toronto on land acquired by the association for the recreation and entertainment of its members; and whereas the petitioners have, by their petition, prayed that an Act may be passed for the above-mentioned purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Frederick White, William Martin, William Evans, Thomas Forbes and Frederick Grose, members of the Police Force of the City of Toronto, and such other persons as may hereafter become members of the said association shall be and are hereby constituted a body corporate and politic under the name of "The Police Association of Ontario" and by that name shall have perpetual succession and a common seal and may acquire and hold land in the City of Toronto or other interest therein not exceeding in value \$100,000 for the purpose of a club-house to be used for the recreation, entertainment and advancement of its members, and may mortgage, sell and convey, or otherwise dispose of the same at pleasure.

2. Nothing herein contained shall authorize the said association to engage in the business of trading in real estate.

Objects of
association.

3. The objects of the association shall be to promote the good and welfare of police constables generally throughout Ontario and also the social and physical improvement of its members by the maintenance and support of meetings, reading-rooms, recreation and lunch rooms, bedrooms, library and gymnasium in its club-house, and such other means as may from time to time be determined upon.

Who en-
titled to be
members.

4. Any member of a police force of a municipality having a board of commissioners of police shall be entitled to become a member of the association on complying with the by-laws, rules and regulations of the said association.

Officers.

5. There may be elected by and from the members of the association in such way and manner as the association may in their by-laws direct such officers as the said association may from time to time deem necessary.

By-laws,
rules and
regulations.

6. The said association may make such by-laws, rules and regulations as may be necessary for the conduct of its affairs, and the superintendence, management, improvement, sale, lease or mortgage of any property belonging to the association; the appointment, removal and qualification of its members; and all other things necessary for carrying out the provisions of this Act, but so that no such by-law, rule or regulation shall be inconsistent with the provisions of this Act.

Exercise
of powers.

7. All the powers of the said association may be exercised by a majority of the members thereof present at any meeting thereof or by a majority of such members thereof as may by the by-laws be declared a quorum for the transaction of business, and any deed or instrument under the seal of the association and signed under the direction of the said association by the officers appointed for such purpose by the association, or by the duly appointed attorney of the association, shall be held to be the deed of the said association.

Organiza-
tion
meeting.

8. A meeting for the organization of the said association shall be held at the City of Toronto, and shall be called by a notice signed by any two of the persons mentioned in section 1 and inserted in two issues of a newspaper published in the City of Toronto, and any member of a police force of any municipality for which there is a board of commissioners of police shall be entitled to be present and vote at such meeting.

Grants by
municipal
corporation.

9. The council of any municipality for which there is a board of commissioners of police may make grants in money or otherwise in aid of the association.

CHAPTER 160.

An Act respecting the Victoria Rolling Stock
and Realty Company of Ontario, Limited.*Assented to June 4th, 1920.*

WHEREAS the Victoria Rolling Stock Company of Preamble.

Ontario, Limited, was incorporated by letters patent under the provisions of *The Ontario Joint Stock Companies' Letters Patent Act* on the 12th day of January, 1881; and whereas by an Act of the Legislature of the Province of Ontario, being chapter 58 of the Statutes of 1881, the charter of the corporation of the said company was amended as is therein enacted; and whereas by further letters patent granted under the provisions of *The Ontario Companies' Act* on the 31st day of January, 1910, the name of the Victoria Rolling Stock Company of Ontario, Limited, was changed to the Victoria Rolling Stock and Realty Company of Ontario, Limited, and the powers of the company were extended; and whereas by inadvertence the word "personal" occurs in the fourteenth line of section 1 of the said Act, chapter 58 of the Statutes of 1881; and whereas by their petition the Victoria Rolling Stock and Realty Company of Ontario, Limited, have prayed for the passing of an Act striking out the said word "personal" from section 1 of the said Act, chapter 58 of the Statutes of 1881; and whereas it is expedient to grant the prayer of said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of chapter 58 of the Acts passed in the 44th year of the reign of Her late Majesty Queen Victoria (1881) is amended by striking out the word "personal" in the fourteenth line of said section.

44 Vic.,
c. 58, s. 1,
amended.

CHAPTER 161.

An Act respecting the Elgin Memorial Hospital.

Assented to June 4th, 1920.

Preamble.

WHEREAS Frank L. Brinkman, Edward A. Horton, Kenneth W. McKay and James D. Curtis, all of the City of St. Thomas, in the County of Elgin; Wilson H. Mills of the Township of Yarmouth, in the County of Elgin, and William H. Turner of the Township of Southwold, in the County of Elgin, are desirous of having a general hospital erected in or near the City of St. Thomas, as a memorial to the memory of those residents of the County of Elgin and of the City of St. Thomas who made the supreme sacrifice in the Great War, and to enable the residents of the County of Elgin and of the City of St. Thomas to extend special privileges to the Veterans of the Great War, who were residents of the County of Elgin prior to enlistment and who may require hospital treatment, and of having the said hospital managed by a Board of Trustees with the powers hereinafter set forth, and have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Erection
of Elgin
Memorial
Hospital.

1. There may be erected in or near the City of St. Thomas, in the County of Elgin, a general hospital, to be called the "Elgin Memorial Hospital," the management of which shall be vested in and exercised by a Board of Trustees, hereinafter called "the Board," which Board shall be a body politic and corporate and shall be known as the Elgin Memorial Hospital Board and shall be composed of the mayor of the City of St. Thomas, the warden and the senior judge of the County of Elgin and such other members as may from time to time be elected or appointed under the by-laws, rules or regulations enacted or made by the said board.

2. The Board shall have power to establish, equip, maintain and conduct, at such place within the County of Elgin, in or near the City of St. Thomas, as may be decided upon, a general hospital for the treatment and care of persons requiring hospital treatment; and power to acquire, receive and take from any person or body corporate, by gift, purchase or otherwise, any lands or interest in lands or any moneys, goods, chattels or effects, for the use, support or purposes of the hospital; and all persons and bodies corporate shall have full and unrestricted right and power to give, grant, devise and bequeath to the Board any land or interest in land or any moneys, goods, chattels or effects.

Establishment, equipment and management of hospital.

Gifts, devises, etc.

3. The Board shall also have power to accept donations in cash or securities and to agree with the donors to pay interest upon the amounts so received by them at a rate to be agreed upon during the lifetimes of the donors or for such other terms as may be agreed between the Board and the donors.

Donations in cash and interest thereon.

4. The Board shall have power to make by-laws, rules and regulations for the following purposes:—

By-laws, rules and regulations.

- (a) For the reception, conduct, treatment, dismissal and discharge of patients; for the employment, training and discipline of medical, surgical and other attendants, nurses and officials, and for all things appertaining to the management and conduct of the hospital;
- (b) For the management of all properties and moneys of the hospital, including the investment and re-investment of all moneys;
- (c) For regulating the meetings and proceedings of the Board; and
- (d) For determining the number of Trustees required to constitute a quorum.

5. The Board shall also have power to sell and dispose of any lands vested in the hospital not further required for the purposes of the hospital, and to borrow money upon mortgage of the real or personal property of the hospital or otherwise, and to make and execute all necessary mortgages, notes or other securities for that purpose.

6. The Board shall also have power to provide for the election or appointment of other and additional trustees from time to time and may make provision for the appointment of additional trustees.

Election or appointment of additional trustees.

ment or representation upon the Board of persons or corporations granting financial assistance to the Board, and by-laws may be passed by the Board from time to time determining and regulating the number, qualification, mode of appointment, rights of vacating and terms of service of such members.

Meeting
for organ-
ization.

7. The members of the Board, within ten days of their appointment and on such day and hour and at such place as the mayor of the City of St. Thomas shall appoint, (notice of the appointment in writing signed by the mayor having been duly sent to the address of each member at least five days before the date and hour named therein), shall meet for the purposes of organization and shall elect one of their number as chairman and shall appoint a secretary, who may be either one of their own members or any other person whom they may select.

Exemption
of property
from taxa-
tion.

8. The buildings and land of and attached to or otherwise *bona fide* used in connection with and for the purposes of the hospital, so long as such buildings or lands are actually used and occupied for the purposes of the hospital, and the personal property of the Board shall be exempt from all taxation, including school rates or taxes.

Property
of hospital
not liable to
expropria-
tion.

9. No real property or interest therein vested in the Board and used for hospital purposes shall be liable to be entered upon, used or taken by any municipal or other corporation, or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred on such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property.

Contribu-
tions for
treatment
of war
veterans.

10. All persons and corporations, including municipal corporations, shall have full and unrestricted power to enter into agreements with the Board to pay for or contribute to the cost of the treatment, care and maintenance in the said hospital of veterans of the Great War, residents of the County of Elgin at the time of enlistment or of any municipality therein, who may require such treatment and care and such agreement shall be valid and binding upon the said municipal corporation and future councils thereof without obtaining the assent of the electors thereto.

CHAPTER 162.

An Act amending The Ottawa Civic Hospital Act.

Assented to June 4th, 1920.

WHEREAS it was enacted by *The Ottawa Civic Hos-* Preamble.
pital Act (chapter 122 of the Acts passed at the session of the Legislature held in the ninth year of the reign of His Majesty King George V), that the Municipal Corporation of the City of Ottawa might acquire such lands as it might deem necessary within the limits of the said city, as a site for a civic hospital, and might erect, equip, furnish and maintain a hospital thereon, and also that for such purposes the said corporation might provide by by-law, to be passed without obtaining the assent of the electors of the said city thereto, for borrowing upon debentures of the corporation such sum or sums of money as it might deem requisite, not exceeding in all \$1,500,000; and whereas the said corporation has, by its petition, shewn that it has acquired a tract of land situate within the said city, as a site for the said hospital, and has paid therefor the sum of \$70,488; that it has procured a set of plans to be made for the hospital which it proposes to erect thereon, and has engaged architects for the purpose of preparing such plans and supervising the construction of such hospital, and is now indebted to such architects for two-sevenths of the total fees payable to them; that it has made other expenditures upon the said work, and has borrowed by way of temporary advance the sum of \$200,000, for the purpose of discharging obligations contracted in connection with the said work; that the Board of Trustees of the said hospital have reported in writing to the council of the said corporation that, owing to the great advance in the cost of building materials and of labour, the sum of \$1,500,000 is wholly insufficient to enable the said corporation to construct and equip a modern 500-bed hospital, in accordance with the plans submitted to and approved of by the said Board of Trustees, and that a much larger sum will be required for such purposes, and it is estimated that under existing conditions it will cost at least \$2,575,000 to construct

struct the same; and whereas the said corporation has, by its petition, prayed that it may be authorized to provide by by-laws, to be passed without obtaining the assent of the electors of the said city, for borrowing, and that it may borrow, a sum not exceeding \$2,750,000 for the purposes specified in the said Act; and whereas the said corporation has, by its said petition, also prayed that an Act may be passed ratifying and confirming a certain agreement in writing, dated the 20th day of February, 1920, and made between the directors of the County of Carleton General Protestant Hospital, the St. Luke's General Hospital, and the Ottawa Maternity Hospital of the one part, and the said corporation of the other part, varying in part the provisions of a certain other agreement in writing, entered into between the said parties, and set out in schedule "A" to the said Act, chapter 122 of the Acts passed in the ninth year of the reign of His said Majesty; and whereas the said corporation has prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

9 Geo. V.
c. 122,
amended.

1. *The Ottawa Civic Hospital Act* is amended by striking out the figures "\$1,500,000" in the seventh line of subsection 1 of section 4 of the said Act, and by inserting in the place thereof the figures, "\$2,750,000."

Agreement
between
city and
certain
hospitals
confirmed.

2. That certain agreement, made between the Corporation of the City of Ottawa, of the one part, and the directors of the County of Carleton General Protestant Hospital, the St. Luke's General Hospital, and the Ottawa Maternity Hospital, of the other part, set out in schedule "A" hereto, is hereby ratified and confirmed, and declared to be binding upon the several parties thereto.

SCHEDULE "A."

This agreement made in quadruplicate, the twentieth day of February, A.D. 1920,

Between

The Directors of the County of Carleton General Protestant Hospital, The St. Luke's General Hospital and The Ottawa Maternity Hospital, hereinafter called "The Hospitals," of the first part,

and

The Municipal Corporation of the City of Ottawa, hereinafter called "The Corporation," of the second part.

Whereas, by a certain agreement in writing, dated the 10th day of March, A.D. 1919, and made between the parties hereto, it was agreed that the said parties should join in an application to the Legislative Assembly of the Province of Ontario, for the purpose of procuring such powers as might be required in order to authorize the corporation to construct, equip and maintain a new hospital, adequate to the requirements of the City of Ottawa, and for the purpose of carrying out the functions and work heretofore exercised and performed by the hospitals;

And whereas such powers were granted by an Act of the Legislature, passed at the session thereof held in the ninth year of the reign of His Majesty King George V, chaptered 122;

And whereas by the said Act, the said agreement dated the 10th day of March, A.D. 1919, was ratified and confirmed, and declared to be binding upon the parties thereto;

And whereas it was by the said agreement provided that the same should cease to be binding upon the hospitals, should the corporation fail to provide such hospital as is specified in the said agreement, on or before the 31st day of December, A.D. 1921;

And whereas the corporation has represented to the hospitals that, owing to difficulties not foreseen at the date of the execution of the said agreement, it will be impossible for the corporation to have such hospital constructed, finished and equipped by December 31st, 1921;

And whereas the hospitals are willing that the time within which the corporation should provide such hospital shall be extended as hereinafter provided;

Now, therefore, this agreement witnesseth, that the parties hereto have agreed, each with the other, as follows:—

1. That the portion of the said agreement which relates to the obligation of the corporation to complete such hospital shall be altered so as to read:

"This agreement shall cease to be binding upon the hospitals should the corporation fail to provide such hospital on or before the 31st day of December, A.D. 1923."

2. In all other respects the said agreement, and the different provisions thereof, is and are hereby ratified and confirmed.

In

In witness whereof the parties hereto have hereunto respectively affixed their corporate seals, attested by the hands of their officers duly authorized in that behalf.

Signed, sealed and delivered
in the presence of

THE DIRECTORS OF THE COUNTY OF CARLETON GENERAL
PROTESTANT HOSPITAL.

(Sgd.) D. M. FINNIE,

President.

(Seal.)

(Sgd.) T. W. KENNY,

Secretary.

THE ST. LUKE'S GENERAL HOSPITAL.

(Sgd.) R. D. G. GILL,

Vice-President.

(Seal.)

(Sgd.) R. W. POWELL,

Hon. Secretary.

THE OTTAWA MATERNITY HOSPITAL.

(Sgd.) ELLEN W. BRONSON,

President.

(Sgd.) BESS CAMPBELL PARKER,

Recording Secretary.

THE CORPORATION OF THE CITY OF OTTAWA.

(Sgd.) HAROLD FISHER,

Mayor.

(Seal.)

(Sgd.) NORMAN H. H. LETT,

Clerk.

CHAPTER 163.

An Act respecting the Sarnia General Hospital.

Assented to June 4th, 1920.

WHEREAS the Municipal Corporation of the City Preamble.
of Sarnia have by petition represented that the Sarnia General Hospital Trust is a body incorporated under the provisions of R.S.O. 1887, chapter 172, intituled *An Act respecting Benevolent, Provident and other Societies*, and as such acquired lands in the City of Sarnia, and erected thereon an hospital and nurses' home, and equipped the same and has for upwards of the past twenty years operated said hospital, and that the nurses' home has since its erection been used and occupied by the nurses employed in the said hospital; and whereas owing to the rapid growth of the City of Sarnia, the hospital and nurses' home are both inadequate for the purposes for which they are used, and the said hospital requires to be provided with further accommodation, and a new nurses' home is required; and whereas the said the Sarnia General Hospital Trust are financially unable to provide the funds to undertake the necessary improvements required for the proper conduct and operation of the said hospital, and supply adequate accommodation therefor, and have applied to the Municipal Council of the City of Sarnia to take over the hospital property and nurses' home, subject to any encumbrances thereon, and subject to the City assuming the administration of certain funds donated to the said hospital trust, and the operation and maintenance of the same as a general hospital, which the said Municipal Council has agreed to do, upon the said Sarnia General Hospital Trust and the Corporation of the City of Sarnia being authorized and empowered to carry out such proposal; and whereas the said petitioners have prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Conveyance
of property
to city.

1. The Sarnia General Hospital Trust is hereby authorized and empowered to transfer and convey to the Corporation of the City of Sarnia all the real and personal estate and property belonging to or held by the said Sarnia General Trust, including the hospital and nurses' home properties, and the said Corporation of the City of Sarnia is hereby authorized and empowered to accept of and hold such property, and operate and maintain the same as a general hospital, and the said Sarnia General Hospital Trust and the said corporation, and each of them, are hereby authorized and empowered to enter into and execute all proper conveyances and agreements for and in connection with the transfer of the said property from the said Sarnia General Hospital Trust to the said corporation.

Transfer of
money by
trust to city.

2. The said Sarnia General Hospital Trust are further authorized and empowered to transfer to the said Corporation of the City of Sarnia, all sums of money which it holds in trust for the benefit of the said hospital, such transfer to be subject to the carrying out of the various trusts connected with the gift of such funds by the said corporation, and the said corporation is hereby authorized and empowered to accept the said trust, subject to the carrying out of the trusts connected therewith.

Appointment
of hospital
commission.

3. The conduct of the affairs of the said hospital shall be vested in a commission of three trustees, to be known as the "Hospital Commission," to be appointed by the Municipal Council of the City of Sarnia, the first trustees to be appointed to serve for the term of one, two and three years respectively, from the first day of February, in the year in which the appointment is made, and thereafter one trustee to be appointed in each year for a term of three years, to take the place of the trustee whose term shall have expired, but not more than one member of the Municipal Council of the City of Sarnia shall be eligible for appointment as a hospital trustee.

Authority of
city to
assume
property.

4. The Corporation of the City of Sarnia in taking over the said property and assets of the said the Sarnia General Hospital Trust, is hereby authorized and empowered to assume the same, subject to the payment by the corporation of any mortgages or liabilities that may be against the same, and to enter into an undertaking indemnifying the said Sarnia General Hospital Trust against such mortgages and liabilities.

Power to
acquire real
estate, etc.

5. The said corporation shall have the right and power to acquire such further real estate or other property as it may from time to time consider necessary for the purpose

of

of properly carrying out the efficient operation of a general hospital and nurses' home for the said city, and to erect and maintain on its property such buildings as it may consider necessary for such purpose.

6. The said corporation upon any property acquired for the purposes of carrying on the said general hospital (including the nurses' home), not being required for the immediate use of the corporation in connection therewith, may sell, lease, or otherwise alienate the same or any part thereof upon such terms as may seem best, the proceeds to be used for the purposes of the hospital or nurses' home.

Alienation of property not required.

7. The corporation may from time to time pass by-laws without submitting the same to the vote of the electors for their assent for borrowing money not exceeding in the whole \$150,000 as it may deem advisable for use in connection with the operation or improvement of such hospital or nurses' home, and may issue debentures therefor in such sums, at such rates of interest, and for such periods as it may deem expedient, but such debentures shall not be issued for a longer period than twenty years.

Power to borrow money without assent of electors.

8. The corporation may also borrow moneys for use in connection with the improvement of the hospital or nurses' home on the security of its hospital property, including the nurses' home, and execute a mortgage or pledge to the party or parties making the advance as security for the payment thereof.

Mortgage securing advances.

9. Any mortgage executed by the corporation in pursuance of the provisions hereof may contain such covenants, provisoes, conditions and powers of sale as may be agreed upon.

Form of mortgage.

10. The corporation may invest in such securities as may be deemed advisable, all moneys which may at any time come into its possession in connection with the operation of the said hospital, or may deposit the same in any chartered bank or financial institution in good standing.

Investments.

11. The said corporation is hereby empowered to carry on and operate a general hospital in the City of Sarnia, and may erect, equip, and maintain a residence and training school for nurses, a residence for superintendent and resident physician in attendance or in connection with the hospital, and all other buildings required for hospital purposes upon such sites as the corporation may deem proper, and may maintain and conduct with its hospital, a training school for nurses and may prescribe for the issue of certificates or diplomas to nurses educated therein, and generally do all things

General power to carry on hospital and training school for nurses, etc.

things necessary or usual to be done in the maintenance and operation of a general hospital, and provide funds therefor by imposing rates on all taxable property in the City of Sarnia.

Gifts, de-
vises, etc.

12. The said corporation shall be capable of receiving and taking from the Government, or from any person or body corporate by grant, gift, devise or otherwise, any land or interest in land, or any goods, chattels, moneys, or effects for the use, support or purposes of the hospital, without a license in mortmain, and all persons and bodies corporate shall have full and unrestricted right to give, grant, devise and bequeath to the corporation any land or interest in land or any goods, chattels, moneys, or effects for use in connection with the construction, operation or maintenance of the hospital or nurses' home.

Vacancies
in office
of trustee.

13. In case of the death or resignation of any of the said trustees the vacancy so caused shall be filled by the Municipal Council of the City of Sarnia, and the said council shall have power at its will to dismiss any of such trustees and set aside his appointment and elect a new trustee to fill his place.

Powers of
Commission.

14. The said Hospital Commission to be appointed as aforesaid shall have the full conduct and management in connection with the operation and conduct of the said hospital and nurses' home, and shall have full power to appoint and may remove the secretary, a bursar, the medical and other superintendents and their assistants and clerks, and all other officers and servants they may deem proper to engage in connection with the operation and maintenance of the hospital and nurses' home, and shall fix all salaries and wages to be paid to the hospital staff, and regulate their numbers, term of office, privileges and duties, and shall have the general control, direction and management of the hospital and nurses' home, including the fees to be charged patients for accommodation in the said hospital and expenditures of all moneys received or provided for the construction or improvement of the hospital or nurses' home or the operation or maintenance of the same subject, however, to the commission accounting to the municipal council of the said corporation for all moneys received or paid out by the commission and making a report to the said council of the work performed by the commission, such statements and reports to be furnished the council annually on the first day of December in each year, or oftener, if required by the council.

Application
of
Rev. Stat.,
c. 300.

15. The provisions of *The Hospitals and Charitable Institutions Act* except where inconsistent with the provisions of this Act shall apply.

CHAPTER 164.

An Act to Authorize the Law Society of Upper Canada to admit John Dale O'Flynn to practise as a Barrister and Solicitor.

Assented to June 4th, 1920.

WHEREAS John Dale O'Flynn, of the City of Belleville, in the Province of Ontario, has by his petition set forth that he is a British subject and 30 years of age, is an under-graduate of McGill University and spent two and one-half years in the study and practice of law as a law clerk in the office of O'Flynn and Diamond, Barristers and Solicitors, at the City of Belleville, in the Province of Ontario, volunteered as a private and has served in the Canadian Expeditionary Force for two years and eight months to the termination of the war and was honourably discharged the 15th May, 1919, and that he is now suffering from the effects of the campaign and is unable at present to give continuous service in an office or attend the lectures prescribed for law students at Osgoode Hall, in the City of Toronto; and whereas the said John Dale O'Flynn has prayed that an Act be passed to enable the Law Society of Upper Canada to admit him to practise at the Bar of His Majesty's Courts in Ontario, and also to practise as a Solicitor in the Supreme Court of Judicature; and whereas the circumstances appear to be exceptional; and whereas it is expedient to grant the prayer of this said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall and may be lawful for the Law Society of Upper Canada at any time hereafter to admit the said John Dale O'Flynn to practise at the Bar of His Majesty's Courts in Ontario and to practise as a Solicitor in the Supreme Court of Judicature for Ontario on his passing the final examinations prescribed by the said Society and on his paying the proper fees in that behalf and without complying with any other requirements of the Law or any other regulations of the said Society in that behalf. Authority to practise as barrister and solicitor on passing final examinations.

CHAPTER 165.

An Act respecting Estate of John Martin Bond,
Deceased.*Assented to June 4th, 1920.*

Preamble.

WHEREAS Florence Rose Bond, Mary Elizabeth Parker, Frances R. Symons, Mary Elizabeth Bond, John Henry Martin Bond and Caroline Agnes Bond have, by their petition, represented that John Martin Bond, late of the City of Guelph, died on the 17th day of April, 1906, having first made and published his last will and testament whereby, after making certain devises and bequests, he made the following direction:—

“I direct also that my said wife is to have the use of my homestead and grounds in the City of Guelph, known as Gore Lawn, during her natural life and while she remains my widow, without impeachment for waste; my estate to pay all taxes assessed upon the said property, and to pay one hundred dollars annually for repairs to the same and any Succession Duty payable upon the same or her annuity; and that the said real estate shall not be sold until after the death or marriage of my said wife”; and whereas the said petitioners are now the trustees of the said estate of the late John Martin Bond, deceased; and whereas the said Florence Rose Bond is the widow of the said John Martin Bond, deceased, and has since his death resided and is still residing on the said homestead and premises known as Gore Lawn, and the said trustees have duly paid to her the sum of \$100.00 annually for repairs, and have also paid all taxes assessed against the said property; and whereas the said taxes assessed against the said property are heavy and the annual sum authorized by said will to be paid to the said widow by the trustees for repairs is not nearly sufficient to keep same in proper repair, and further, the annuity granted by the said will to the said widow does not warrant her continuing to reside upon the said property, and she desires to remove to a smaller and less expensive place of residence; and whereas the trustees deem it desirable in the interest of the estate to lease or sell the said property, and have petitioned for liberty to do so; and whereas it is deemed expedient to grant the prayer of the said petition;

Therefore,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The trustees for the time being of the said will of the said John Martin Bond, deceased, are hereby, notwithstanding the provisions of the said will, with the approval of the said Florence Rose Bond evidenced by her joining in and executing the conveyance thereof or otherwise evidencing her approval by an instrument in writing executed by her, authorized and empowered from time to time to lease or sell and convey in fee simple the said property in the City of Guelph, known as Gore Lawn, and being composed of lots 19, 20, 21, 22, 23, 26 and 27 and part of lots 24, 25, 28 and 29 as said lots are laid out and shewn on registered plan No. 127, for the said City of Guelph, containing an area of one and three-one-hundredths (1.03) acres, more or less, and which said parcel or tract of land and premises may be more particularly described as follows: Commencing at the point where the easterly limit of the Eramosa Road is intersected by the northerly limit of King Street, formerly called George Street; thence south 44 degrees and 56 minutes east, along the said northerly limit of King Street, eighty-three and three-tenths (83.3) feet, to the southerly limit of lot 19; thence north 44 degrees and 34 minutes east, along the said southerly limit of lot 19, and lot 29, two hundred and four and eight-tenths (204.8) feet; thence north 45 degrees and 3 minutes west, seventy-five and two tenths (75.2) feet; thence north 45 degrees and 17 minutes east, one hundred and twenty-four and two-tenths (124.2) feet, more or less, to the southerly limit of Queen Street; thence north 45 degrees and 3 minutes west, along the said southerly limit of Queen Street, one hundred and forty-seven and eight-tenths (147.8) feet; thence south 45 degrees and 11 minutes west, one hundred and twenty-four (124) feet; thence north 41 degrees and 32 minutes west, twenty-five and eight-tenths (25.8) feet, to the said easterly limit of Eramosa Road; thence south 6 degrees and 2 minutes west, along the said limit of Eramosa Road, two hundred and sixty-five and five-tenths (265.5) feet, to the place of beginning, in one or more parcels or lots of such size or of such different or various sizes and dimensions as they deem best. And upon any such leasing or sale or sales the said trustees shall hold the proceeds thereof upon trust for the use and benefit of the said Florence Rose Bond for and during her natural life, or while she remains such widow, and subject thereto upon the trusts declared by the will.

Authority of trustees to sell certain lands.

2. The said trustees are hereby authorized and empowered in the event of a sale or sales to expend the whole or part of

Application of proceeds of sale.

of the proceeds of the same in the purchase of or the cost of erection of another house or place of residence for the said widow, and upon the acquisition of the said other property to pay all taxes assessed against same and to pay \$100.00 annually towards repairs to the same, and any surplus remaining in their hands shall be held by them upon the trusts declared by the will and they shall also hold such other house or place of residence subject to the right of the said Florence Rose Bond therein and thereto upon the trusts declared by the will in respect of the land described in section 1.

CHAPTER 166.

An Act respecting the Estate of Isabella
Findlay Farlinger.*Assented to June 4th, 1920.*

WHEREAS, William Kyle Farlinger, Esquire, Isabella Preamble.
Kyle Farlinger, spinster, both of the Village of Morrisburg, in the County of Dundas and Province of Ontario, and John Clinton Casselman, of the City of Montreal, in the Province of Quebec, merchant, the two executors and executrix of the last will and testament of Isabella Findlay Farlinger, late of the said Village of Morrisburg, widow, deceased, and the said William Kyle Farlinger and Isabella Kyle Farlinger in their individual capacity, Barbara Elizabeth Rowat, of the Town of Simcoe, in the County of Norfolk, widow, and her three children, namely, John Rowat, Isabella Rowat and Mabel Rowat; Frederick Ernest Farlinger, of the Township of Matilda, in the County of Dundas, aforesaid, farmer; Florence Alexandra Casselman, of the City of Montreal, wife of John Clinton Casselman, and Alfred Farlinger Casselman, her son; Elizabeth Ann Farlinger, of the said Village of Morrisburg, widow of the late John Augustus Farlinger, and Isabella Elizabeth Farlinger, of the Village of New Liskeard, in the Province of Ontario, spinster; have by their petition, represented that Isabella Findlay Farlinger, late of the Village of Morrisburg, in the County of Dundas and Province of Ontario, widow, deceased, died at the said village, on or about the fourth day of October, A.D. 1916, after having first duly made her last will and testament in writing, duly executed and bearing date the twelfth day of January, A.D. 1911, and also that the said last will and testament contained the following devises unto the said petitioners:—

"Second.—I give and devise to my executors hereinafter named, lot number twenty in the first concession of the Township of Williamsburg, in the County of Dundas, in trust to pay the income thereof to my daughter Barbara Elizabeth Rowat, for the period of her natural life; and after her decease, upon the further trust to convey and assure
the

the said land to the issue of my said daughter as tenants-in-common.

“Third.—I give and devise to my said executors, lots numbers twenty-one and twenty-four in the fourth concession of the Township of Winchester, in the County of Dundas, and the south one-half of lot twenty-one in the sixth concession of the Township of Williamsburg, in the said County of Dundas, in trust to pay the income thereof to my son William Kyle Farlinger, for the period of his natural life, and after the decease of my said son, upon the further trust to convey the said lands to the issue of my said son as tenants-in-common.

“Fourth.—I give and devise to my said executors, lots numbers twenty-three, in the fourth concession of the Township of Winchester, in the said County of Dundas, the west half of lot number seventeen, and the east half of lot number eighteen, in the first concession of the said Township of Winchester, and the centres of lots numbers thirty-two, thirty-three and thirty-four, in the sixth concession of the Township of Williamsburg, containing one hundred and fifty acres and being all those parts of the said last named lots which I own, in trust to pay the income thereof to my daughter Isabella Kyle Farlinger, during her natural life, and if she marries and leaves issue her surviving, on the further trust to convey the said lands to the said issue as tenants-in-common, and failing such issue, to hold the same in trust to pay the income thereof after my daughter's death to such of my children as may thereafter be living, and after the death of the last survivor of my said children, to sell the same and distribute the proceeds among all my grandchildren then living. In such distribution the grandchildren shall take the shares of their parents by representation.

“Sixth.—I give and devise to my said executors, the west three-quarters of lot number four and the east quarter of lot number five, in the first concession of the said Township of Matilda, in trust, to expend the income thereof for the benefit of my son Frederick Ernest Farlinger, and his children during the life of my said son Frederick, and after his decease to convey the same to the children of my said son Frederick as tenants-in-common, but at the discretion of my executors. My said son is to be permitted to occupy, possess and enjoy the benefits of the said land personally instead of merely receiving the income thereof. In the event of my not erecting a new dwelling house on the said land which is or will soon be needed, I direct my executors to expend out of my general estate one thousand dollars in part payment of the expense of the building of a new residence.

“Seventh.—I give and devise to my said executors, the west half of lot number thirty-seven, in the first concession of the said Township of Williamsburg, also the west commons
in

in the first concession of the said Township of Williamsburg, and the east commons of the first concession of Matilda, known as commons "A," in the said townships respectively and including the original road allowances between the said commons in the one township and the commons in the other, in trust to pay the income thereof to my daughter Florence Alexandra Casselman, during her natural life, and after her decease to convey and assure the said lands to the issue of my said daughter Florence as tenants-in-common.

"*Eighth.*—I give and devise to my said executors, the west half of lot number twenty-seven and that part which I own of the east half of the said lot number twenty-seven, in the first concession of the Township of Williamsburg, in trust to pay the income thereof to my daughter-in-law Elizabeth Ann Farlinger, the widow of my late son John Augustus Farlinger while she remains unmarried, and her daughter Isabella Elizabeth Farlinger, but if my said daughter-in-law should marry again, to pay the said income to the said Isabella Elizabeth Farlinger alone, and after the time of the decease or marriage again of the said Elizabeth Ann Farlinger to convey the said lands to the said Isabella Elizabeth Farlinger in fee simple, but this conveyance may be deferred in the discretion of my executors to a period not later than twenty-one years after the death of my said daughter-in-law, and in the discretion of my executors the giving of the conveyances provided for in paragraphs two to seven inclusive, of this my will, may be deferred until the youngest of my said grandchildren, the children of each particular parent attains the age of twenty-one years.

"*Ninth.*—I direct that the lands mentioned and described in the second, third, fourth, fifth, sixth, seventh and eighth paragraphs of this my will be held by my said executors upon the further trust in the event of any of the beneficiaries in the said paragraphs two to eight inclusive being deceased leaving no issue, to distribute the lands hereinbefore devised to my said executors for the benefit of those so dying, among my surviving children and grandchildren, the said grandchildren to take the shares of their respective parents, if the parents be dead, and for the purpose of making the said distribution my said executors are empowered to sell the said lands and distribute the proceeds, if such sale or sales be found by my said executors to be expedient or necessary.

"*Sixteenth.*—I further direct that in regard to any of the lands mentioned in the second, third, fourth, fifth, sixth, seventh and eighth paragraphs of this my will, the same or any of them may be exchanged for other lands of equal value or be sold and replaced by other lands of equal value upon the application or with the consent of those of my children who are interested in the same and who desire such change to be made, and I direct my executors to execute such conveyances

veyances as may be necessary for this purpose, and that the lands so acquired in exchange for or in lieu of other lands, be held upon the trusts directed in the second, third, fourth, fifth, sixth, seventh and eighth paragraphs of this my will, and I further direct that the buildings, fences and other structures upon the respective lands mentioned in the second, third, fourth, fifth, sixth, seventh and eighth paragraphs in this my will be kept in proper repair during the lifetime of my sons and daughters respectively, and that the expense of these repairs and any taxation or other expenditure for drainage be defrayed out of the revenues of the said lands respectively.

"Nineteenth.—Notwithstanding anything herëinbefore contained, I direct that my estate be finally wound up not later than twenty-five years and not sooner than twenty years after my decease, and my executors are hereby empowered to finally wind up my estate and to take all the necessary steps for the accomplishment of that object at the end of twenty years after my decease, or at any time in the succeeding five years and where it is hereinbefore provided that the lands mentioned in paragraphs two to eight inclusive, are to be conveyed to my grandchildren, the same may be conveyed to my children who may be then living or to my grandchildren whose parents are then deceased;"

That at the time of the death of the said Isabella Findlay Farlinger, the said executors and trustees became and were seized in possession of the said lands upon the trusts and powers, but subject to the limitations as to sale and exchange, all as hereinbefore set forth; that all of the said lands have been rented for the last forty years past and the buildings on all of the said lands respectively require substantial repairs; that the rentals received from said lands do not at all represent an adequate return from the value of the lands, not being on the average of little more than two per cent. when the repairs and insurance are deducted; that the said lands can now be sold for prices of from one-third to one-half more than during the lifetime of the said testatrix; that the said parties respectively interested in the said lands are willing to settle the proceeds of the sale of the said lands so that the same shall become vested in the said executors and trustees upon the same trusts and conditions and be held by them upon the terms and conditions as to remainder and reversion or otherwise, as provided in said will; and whereas the said petitioners have prayed that an Act be passed authorizing the said executors and trustees with the consent of the adult devisees interested in the respective lands to sell and convey the said lands subject to the provisions herein-after set out; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said last will and testament of Isabella Findlay Farlinger, late of the Village of Morrisburg, in said county and Province of Ontario, bearing date the 12th day of January, 1911, is hereby declared to be effectual and shall be deemed to confer upon the said William Kyle Farlinger, Isabella Kyle Farlinger and John Clinton Casselman as executors and trustees of said last will and testament with the consent and concurrence of the adult devisees of any of the said lands, the right to sell and convey from time to time in fee simple absolute the said lands and all the estate, right, title and interest of the said testatrix therein, either by public auction or private sale, and upon such terms and credit or otherwise as they may deem proper, notwithstanding any limitations by way of remainder, reversion or other conditions or restrictions contained in said will in favour of the grandchildren of the said testatrix or otherwise, as mentioned in said will. Power to sell lands.

2. The purchaser or purchasers of the said lands shall pay the purchase money to the said executors and trustees, who shall or may invest the said money from time to time in any of the Government funds of the Dominion of Canada or of the Province of Ontario, or on mortgage of freehold land, or upon debentures of building societies and other companies authorized to lend money on the security of real estate in Ontario, and shall pay the annual income from such investments to the parties respectively entitled thereto. Investment of proceeds of sale.

3. The said purchase money shall stand in lieu of the said lands respectively and be subject to the same trusts and powers as the said lands, and upon the deaths of the said respective devisees shall become the property of the same person or persons who would have taken said lands, in the same shares and proportions. Money to stand in place of land.

4. Nothing in this Act shall be construed to affect any liens (if any) now existing on or against the said lands. Existing liens not affected.

5. The said executors and trustees may and they are hereby authorized to pay the actual expenses of and incidental to this Act, and of and incidental to the sale of the said land not exceeding in the whole \$3,000.00 *pro rata* out of the purchase moneys of the said lands. Payment of expenses.

CHAPTER 167.

An Act respecting the Estate of Sydney Finlay McKinnon, deceased.

Assented to June 4th, 1920.

Preamble.

WHEREAS Elizabeth Telfer Miles has, by her petition, set forth that Sydney Finlay McKinnon died on or about the fourth day of August, 1911, having first made and published as and for his last will and testament a certain instrument bearing date the first day of April, 1911, probate whereof was granted by the Surrogate Court of the County of York on the twenty-seventh day of January, 1912, to Malcolm Alexander McNaughton, Robert Adams Lyon and John Knox, the executors named in the said will; that Isabella McKinnon mentioned in the said will died on or about the sixteenth day of October, 1913, and that pursuant to the terms of the said will the period of distribution was fixed to the first day of May, 1921, and that the said will provided that at the date of the said period of distribution \$400,000.00 of interest-bearing securities should be delivered to The National Trust Company, Limited, and the proceeds of the income thereof up to the sum of \$9,000.00 per annum should be paid to Elizabeth Telfer Miles, and the balance of the said income to Sydney Edward Miles and Lawford Arthur Miles, and that the residuary estate, after providing for certain pecuniary legacies, should be divided as provided by the said will, and it is in the interest of the persons beneficially interested in the said estate that the distribution thereof should not be delayed to the said 1st May, 1921;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Date of
distribution.

1. The date of distribution of the estate of the late Sydney Finlay McKinnon shall be the date at which the Royal Assent is given to this Act, and not the first day of May, 1921.

2. The executors and trustees of the last will and testament of the late Sydney Finlay McKinnon are hereby directed and authorized to retain in their hands preferred shares in the McKay Companies of the par value of \$6,500; fully paid up shares in the Duluth Superior Traction Company of the par value of \$7,000; and the sum of \$50,000 until the first day of May, 1921, and on the first day of May, 1921, they shall distribute the said moneys and securities amongst the persons entitled thereto pursuant to the terms of the will of the late Sydney Finlay McKinnon.

Executors
authorized
to retain
certain
shares and
money until
May 1st,
1921.

3. The trustees of the last will and testament of the late Sydney Finlay McKinnon shall, immediately the Royal Assent is given to this Act, transfer to the National Trust Company, Limited, the real and personal property referred to in paragraph 23 of the will of the late Sydney Finlay McKinnon, to be held by them upon the trusts set out in the said will, and upon the said date shall divide the residue of the said estate, less the moneys and securities referred to in section 2 of this Act and paragraph 23 of the said will, into two equal portions, and shall transfer one portion to Sydney Edward Miles, and the other portion to Lawford Arthur Miles, to be held by them for their own use and benefit free from the trusts of the said will.

Transfer to
National
Trust Co. of
property.

4. Upon making the distribution referred to in paragraphs 2 and 3 of this Act, and upon passing their accounts before the Surrogate Judge of the County of York, the executors and trustees of the estate of the late Sydney Finlay McKinnon are hereby exonerated and relieved from all claims and demands which may be made against them by any person soever claiming to be entitled to an interest in any portion of the estate distributed pursuant to the preceding paragraphs of this Act.

Relief of
executors.

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First Session, Fifteenth Legislature,
10-11 George V, 1920

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